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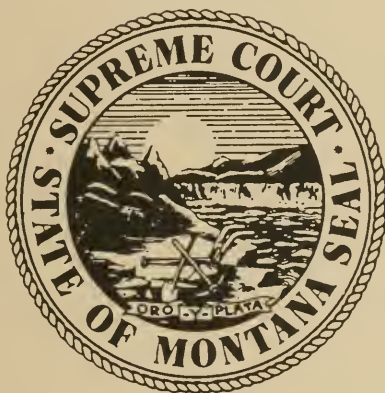
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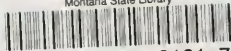
JUDICIAL

REPORT



MONTANA COURTS

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ANNUAL REPORT OF THE
MONTANA JUDICIAL SYSTEM
CALENDAR YEAR 1993

J. A. TURNAGE
CHIEF JUSTICE

A PUBLICATION OF THE
OFFICE OF THE
COURT ADMINISTRATOR
ROOM 315, JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MT 59620

1993 JUDICIAL REPORT

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PROFILE OF THE MONTANA JUDICIAL SYSTEM

STRUCTURE OF THE COURT SYSTEM

The Judicial power of the State of Montana is vested in a three-tiered structure of appellate, general, and limited jurisdiction courts. These are represented respectively by the Supreme Court, District Courts, and Courts of Limited Jurisdiction.

In addition, legislatively created courts exist for the adjudication of special legal issues. The Workers Compensation Court and Water Court are examples of these specialty courts.

Selection and Removal of Judges

All Judges in Montana are elected in nonpartisan elections. Supreme Court Justices are elected for eight-year terms; District Court Judges for six-year terms; and all other judges serve four-year terms.

Vacancies in the Supreme Court and District Courts are filled by election if a term has ended and by gubernatorial appointment if a vacancy occurred during a term. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominations Commission must first submit a list of three to five nominees to the Governor from which the Governor must make an appointment. If the Governor fails to appoint within 30 days of receiving a list of nominees from the Judicial Nominations Commission, the Chief Justice or acting Chief Justice makes the appointment. Each person nominated must be confirmed by the State Senate. If the Senate is not in session the person nominated serves until the end of the next session of the Legislature. If the nomination is not confirmed by the Senate the office is vacant and another selection and nomination is made. An appointee confirmed by the Senate serves until the next succeeding general election. The candidate elected at that election holds office for the remainder of the unexpired term.

A vacancy in the office of Chief Water Judge is filled by appointment of the Chief Justice from a list of nominees submitted by the Judicial Nomination Commission.

A vacancy in the office of Workers' Compensation Judge is filled by appointment of the Governor from a list of nominees submitted by the Judicial Nomination Commission.

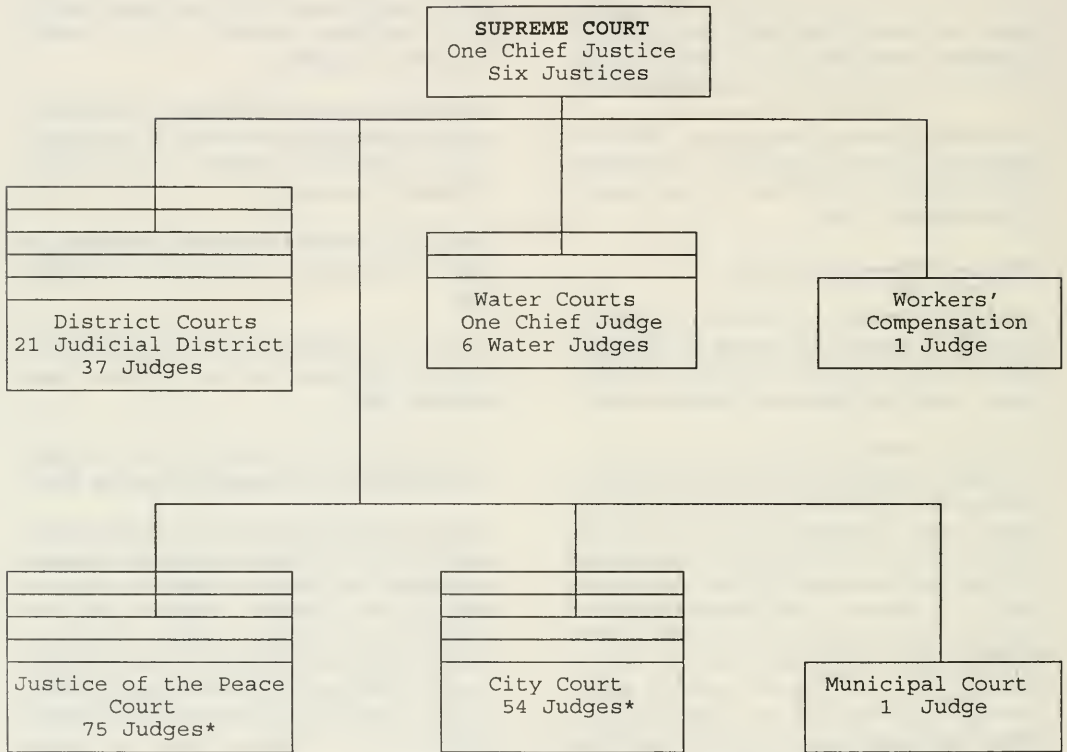
Vacancies in the office of Justice of the Peace are filled by appointment of the County Governing Body.

Vacancies in the office of City or Town Judge are filled by appointment of the City or Town Governing Body.

If a vacancy occurs in a Municipal Court, it is filled by appointment of the Municipal Governing Body.

Under the Montana Constitution the Supreme Court, upon the recommendation of the Judicial Standards Commission, may retire any justice or judge for disability that seriously interferes with the performance of his duties, or censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of the canons of judicial ethics adopted by the Supreme Court, or habitual intemperance.

STRUCTURE OF THE MONTANA JUDICIARY



*36 Justices of the Peace also serve as City Court Judges

THE MONTANA JUDICIARY A BRIEF HISTORY

SUPREME COURT

The Territory of Montana was organized by an Act of Congress, approved May 26, 1864. Section 9 of the Act vested the judicial power of the State in a Supreme Court, District Courts, Probate Courts and Justice of the Peace Courts.

The first term of the Supreme Court of the Territory of Montana was held in Virginia City on May 17, 1865. Hezekiah L. Hosmer who was appointed June 30, 1864 by President Abraham Lincoln served as the first Chief Justice. On June 22, 1864 Lorenzo P. Williston and Ammi Giddings were appointed Associate Justice. Ammi Giddings declined to serve, but his commission remained in force until March 11, 1865 when Lyman E. Munson was appointed to replace him.

In the early Territorial period, Justices of the Supreme Court each presided over one of the territory's judicial districts. This arrangement usually meant that when a case was appealed to the Supreme Court, one of the Justices personally had tried the case at the District Court level. This system changed in 1886 when Congress provided for the appointment of a fourth Justice and provided for disqualification on appeal of a Justice who had tried a case in District Court.

In the initial years of the Court, decisions about cases were rarely given in writing. In January, 1872, the Territorial Legislature provided for written reporting of Supreme Court decisions.

The July, 1889 term of the Territorial Supreme Court was the last term held before Montana became a State on November 8, 1889. When the Territorial Supreme Court adjourned sine die on October 5, 1889 -- the Territorial period ended and the modern era of statehood began.

Statehood brought several changes to Montana's Judicial System. During Territorial days, Justices and District Judges were appointed by the President of the United States. After 1889, Montanans turned to a system whereby they elected justices, district, and local judges and judicial officers. They hoped thereby to encourage "more prompt and accessible administration of justice". Justices, District and local judges were elected on a partisan ballot until 1909 when a brief and largely forgotten experiment in nonpartisan judicial elections was established. (Laws of 1909, Chapter 113) This law was enacted with only one opposing vote in the closing days of the 1909 session. The law prohibited partisan filings by judicial candidates and required their nomination by citizen petition. 1910 was an "off" year for judicial elections; only the Chief Justice and two District Judges were to be chosen. Chief Justice Brantly, known as a populist Republican won a third term receiving 39% of the votes in a field of four candidates.

Voters evidently missed party labels since the total vote cast in the 1910 nonpartisan contest was notably small. Fewer than half of those who voted for Clerk of the Supreme Court on the partisan ballot voted for the Chief Justice on the nonpartisan ballot. The experiment was terminated in 1911 when the Supreme Court on a complaint of a Republican candidate for Butte Police Judge held the legislation unconstitutional. The 1935 Legislature (Laws of 1935 Chapter 182) made judicial elections nonpartisan for a second time, but the effect on voter participation was not so dramatic as in the one-election experiment of 1910.

Article VIII of the 1889 Constitution established a three-member Supreme Court with members elected to six-year terms.

During the first three decades of Statehood the Supreme Court remained at three Justices but the caseload required additional resources in order to keep current. The 1903 Legislature provided for the appointment by the Supreme Court of a three member Court Commission "of legal learning and personal worth" to assist the Court -- at a salary of \$4,000 a year for Commissioners. The term of office for the Court Commission was four years, during which time the Commissioners were prohibited from engaging in the practice of law. When the 1905 Legislature failed to provide an appropriation for the Commissioners' salary, they all resigned.

The 1919 Legislature increased the membership on the Supreme Court to five members.

In 1921 the Legislature approved the second Court Commission and directed the Supreme Court to appoint "from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts three (3) of such judges to act for such period of time as may be designated in the order appointment as Commissioners of the Supreme Court".

The Supreme Court remained at five members until the 1979 Legislature authorized two additional Justice positions to assist in handling the overburdened Court calendar.



THE MONTANA SUPREME COURT

Left to right, Justices William E. Hunt, Sr., Fred J. Weber, John C. Harrison, Chief Justice J. A. Turnage, Justices James C. Nelson, Karla M. Gray, and Terry N. Trieweiler.

DISTRICT COURTS

The 1889 Constitution established eight judicial districts with one District Judge in each district elected for a four-year term. The number of judicial districts has fluctuated over the last century. The growth in the number of counties beginning in 1911 led to the creation of twenty judicial districts by 1919. The number of judicial districts shrank to 16 in 1932, expanded to 19 in 1977, 20 in 1984. During the regular legislative session in 1991, the Legislature created the 21st judicial district which became effective January 1993.

The number of District Court Judges has likewise grown since the beginning of Statehood. Starting with eight District Court Judges in 1889, the Legislature quickly added second judges in the State's two largest cities -- Helena and Butte -- in 1891. Today there are 37 District Court Judges.

COURTS OF LIMITED JURISDICTION

A majority of citizens receive their first exposure to the judicial system in the Courts of Limited Jurisdiction which are the Justice of the Peace, City and Municipal Courts. The Constitution of 1889 provided for the creation of the Justice Courts, Police and Municipal Courts. The Constitution of 1972 retained the Justice of the Peace Courts as a Constitutional office and deleted any reference to Police or Municipal Courts, but allows the Legislature to create other courts such as City or Municipal courts.

Judges in the Courts of Limited Jurisdiction are elected for a four year term and are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions results in disqualification of the Judge from office.

CHANGES AFTER 1972

The adoption of a new judicial article in the 1972 Constitution did not substantially change the

traditional structures of the Montana Judiciary. It did, however, make a number of modifications. For instance, terms of Supreme Court Justices were extended from six to eight years and District Court Judges terms went from four to six years. Structurally more significant, the new Constitution adopted a version of merit recruitment for judicial officers that has been described as a unique hybrid of the "Missouri Plan". While the Governor appoints judicial officers when vacancies occur, candidates can file against a judge seeking reelection or for a position that is open due to a judge not seeking reelection. After 1974, if a sitting judge is unopposed when seeking reelection, voters are given a "Yes" or "No" choice as to whether to retain the judge.

SUPREME COURT

The Montana Supreme Court consists of one Chief Justice and six Justices. Each Justice is elected for an eight year term in a statewide nonpartisan election. Terms are staggered so that no more than two justice positions are scheduled for election at the same time. A Justice of the Supreme Court must be a citizen of the United States and have resided in Montana two years immediately before taking office and must have been admitted to practice law in Montana for at least five years prior to the date of appointment or election.

The Chief Justice of the Montana Supreme Court is elected to the position by the electorate in a statewide election. The Chief Justice is the administrative head of the Supreme Court, presides over Court conferences, and represents the Court at official state functions. The Chief Justice presides at all oral argument sessions of the Supreme Court. In the event of the absence of the Chief Justice, the Justice having the shortest term remaining to be served presides as Acting Chief Justice.

The Montana Supreme Court is the highest court of the State of Montana. It functions both as an appellate court, (Court of Review) and as a court of original jurisdiction. The Supreme Court has

original and concurrent jurisdiction over extraordinary writs. Trials are not held by the Supreme Court; oral arguments before the Court consist solely of legal arguments made by attorneys.

The Supreme Court's daily operations are guided by the Court's Internal Operating Rules, which are promulgated by the Court to facilitate the prompt and efficient handling of all matters before it. The Justices meet twice a week in Court conferences where matters presently pending before the Court are discussed. At its Tuesday conference, the Court considers pending petitions for original jurisdiction, motions which should be considered by the full Court, and other miscellaneous matters. At its Thursday conferences, the Court considers proposed opinions, petitions for rehearing, and appeal classifications.

Each appeal that comes before the Court is "classified" by a five Justice panel of the Court. The most common classifications of appeals are (1) full oral argument before the Court sitting en banc, or (2) submitted for decision, either to a panel of five-Justices or to the Court sitting en banc, solely on the briefs filed by the parties without oral argument. Once this classification is made, the case is assigned to a Justice for drafting an opinion. The Court attempts to render its decision within 120 days of submission.

The Supreme Court calendar is divided into "terms". Four such terms must be held each year at the seat of government, commencing on the first Tuesday of March, June, October and December. The Court generally sets an oral argument calendar for each month of the year except July and August.

The Supreme Court has broad constitutionally-based administrative authority over the Bench and Bar. The Court has supervisory control over all state courts and the responsibility to ensure the efficient and effective operation of the judicial system. The Court has general authority to adopt rules of practice and procedure (subject to disapproval by the Legislature), to maintain high standards of judicial conduct, and to regulate admission to the

practice of law and the conduct of members of the legal profession.

The Court fulfills its administrative responsibilities with the assistance of various court officers and advisory boards and commissions. These are explained in detail in another section of this report.

Current members of the Supreme Court are:

JEAN A. TURNAGE - Chief Justice. Born March 10, 1926 in St. Ignatius, Montana. Served in the U. S. Air Corps from 1944-1946. Received his law degree from the University of Montana in 1951. Elected County Attorney, Lake County in 1953 and was reelected to the office four times. Elected to the Montana House of Representatives in 1962 and the Montana State Senate in 1964 and served continuously until he assumed the office of Chief Justice on January 7, 1985. His wife's name is Eula Mae and they are the parents of two grown children.

KARLA M. GRAY - Justice. Born May 10, 1947 in Escanaba, Michigan. Received both a Bachelor's and Master's degree from Western Michigan University, and her Law Degree from Hastings College of the Law in San Francisco, California in 1976. Prior to her appointment on February 11, 1991, she worked as staff attorney and lobbyist for the Montana Power Company in Butte, Montana.

JOHN CONWAY HARRISON - Justice. Born April 28, 1913 in Grand Rapids, Minnesota. Came to Montana in 1928. Served in the U. S. Army from 1940 to 1946. Received his law degree from George Washington University in 1940. Served as County Attorney in Lewis and Clark County from 1954 to 1960. Elected to the Montana Supreme Court in 1960. Justice Harrison has served longer on the Supreme Court than any other Justice in Montana history. He and his wife Virginia, who died in 1984, were the parents of 3 sons and 3 daughters. He married Ethel Harrison in 1987.

WILLIAM E. HUNT, SR. - Justice. Born February 28, 1923 in Tacoma, Washington. Came to Montana in 1945. Received his law degree from the University of Montana in 1955. Engaged in the general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County for ten years. Director of Montana Aeronautics Commission, 1970-1975. Was the first State Workers' Compensation Judge, 1975-1981. Elected to the Montana Supreme Court 1984. His wife's name is Mary and they are the parents of five children.

JAMES C. NELSON - Justice. Born February 20, 1944 in Moscow, Idaho. Received B.S. Degree from University of Idaho, Moscow, Idaho in 1966. Received his J.D. from George Washington University in 1974. Nelson served as First Lieutenant in the U.S. Army from 1966-1969. Nelson worked as a financial analyst with the U.S. Securities and Exchange prior to engaging in private practice in Montana. He was in private practice and serving as Glacier County Attorney at the time of his appointment to the Supreme Court in May, 1993. His wife's name is Chari and they are the parents of two children.

TERRY N. TRIEWEILER - Justice. Born March 21, 1948 in Dubuque, Iowa. Received both his Bachelor and law degrees from Drake University, Des Moines, Iowa. He was engaged in the private practice of law in Whitefish until 1990 at which time began responsibilities as an instructor of civil procedure at the University of Montana Law School. In 1990 he was elected to the Montana Supreme Court. His wife's name is Carol and they are the parents of three daughters.

FRED J. WEBER - Justice. Born October 6, 1919 in Deer Lodge, Montana. Received B.A. and J.D. degrees from the University of Montana. Served in the infantry in World War II. Engaged in the private practice of law in Havre from 1947 until his election to the Supreme Court. Elected to the Montana Supreme Court in 1980. His wife's name is Phyllis and they are the parents of one daughter and three sons.

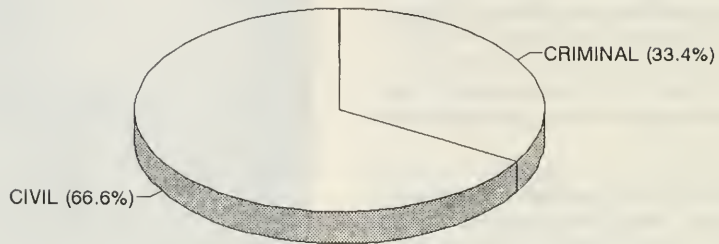


JUSTICE R. C. McDONOUGH

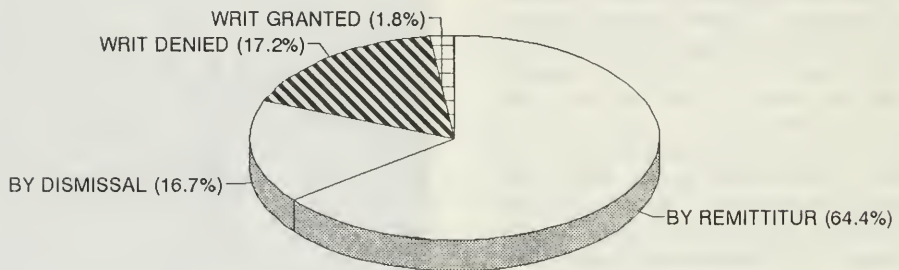
Justice McDonough retired March 31, 1993 after serving as a member of the Supreme Court since May of 1987.

SUPREME COURT CASELOAD STATISTICS

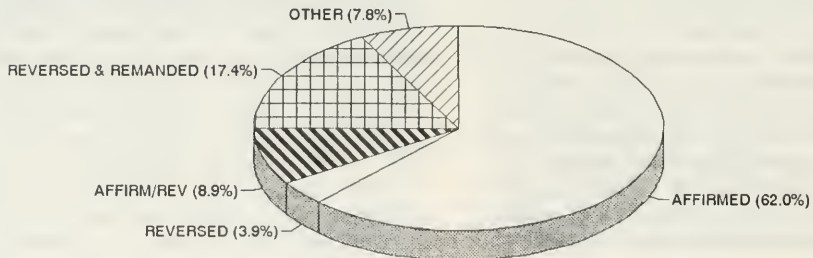
FY 93 CASE TYPE FILINGS



FY 93 DISPOSITIONS

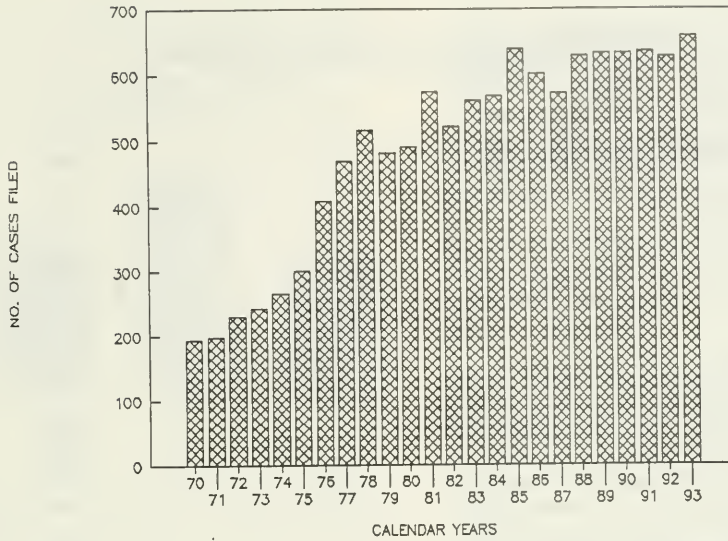


FY 93 FORMAL OPINIONS ISSUED



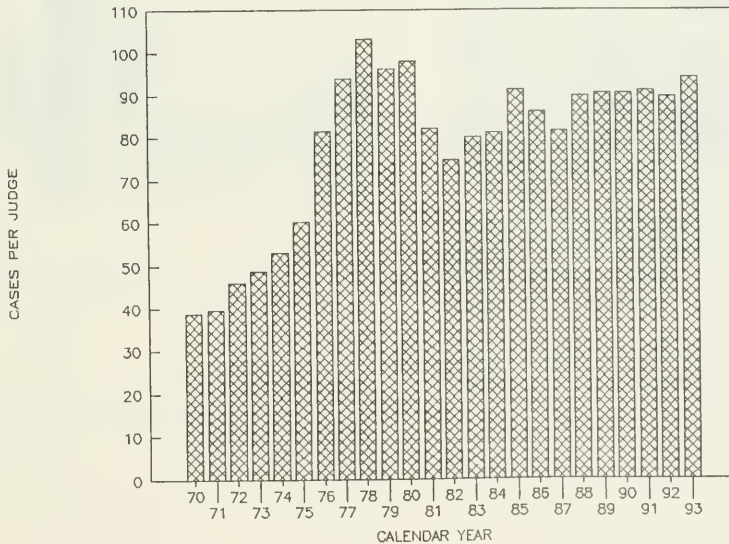
MONTANA SUPREME COURT

CASES FILED PER CALENDAR YEAR



MONTANA SUPREME COURT

CASE FILINGS PER JUDGE 1970 - 1993



1993 SUPREME COURT CASELOAD STATISTICS

1. Filings carried over from Calendar Year 1992	450
2. New Filings in 1993	659
Civil	439
Criminal	220
3. Dispositions in 1993	618
By Remittitur	398
By Dismissal	103
Writ Denied	106
Writ Granted	11
4. Cases Pending as of December 31, 1993	433
5. Formal Opinions Issued	437
Affirmed	271
Reversed	17
Affirmed in part/Reversed in part	39
Reversed and Remanded	76
Revised	0
Other	34

DISTRICT COURTS

There is a District Court in each of Montana's fifty-six counties. District Courts are Montana's Courts of General Jurisdiction. Montana District Courts exercise original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are appropriate to their jurisdiction.

Appeals from Courts of Limited Jurisdiction to District Courts must be trials "de novo", which is a completely new trial held as if the original trial had never taken place.

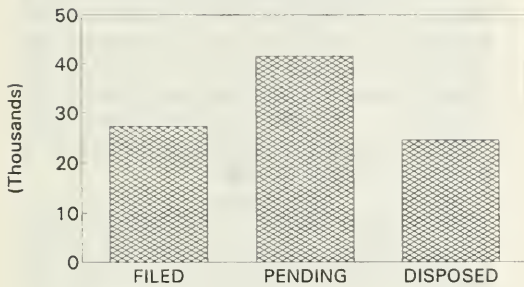
District Judges are elected for six year terms. Requirements for the office of District Judge are United States citizenship, residency of the State for two years and being admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. In the event of a vacancy in the office of District Judge, the Governor appoints a successor from a list of nominees submitted by the Judicial Nominations Commission. The appointed judge must run in the next general election to retain their appointment.

Article VII, Section 6, grants the Legislature the authority to establish Judicial Districts and to provide for the number of Judges in each District. The Legislature may change the number and boundaries of Judicial Districts and the number of Judges in each District.

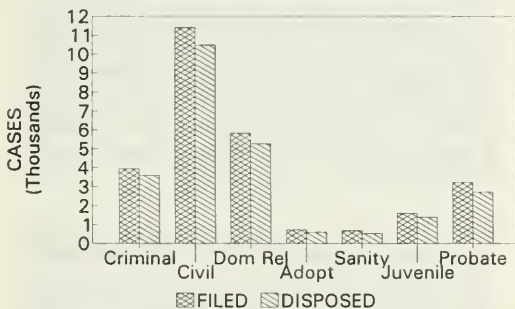
During the 1991 regular Legislative Session the Twenty-first Judicial District was created. This Judicial District consists of Ravalli County and became effective January 1, 1993.

Currently there are 37 District Court Judges in Montana's 21 Judicial Districts.

1993 STATEWIDE CASELOAD STATISTICS



1993 STATEWIDE DISTRICT COURT CASELOAD



JUDICIAL DISTRICT REPORTS

(Where a report was submitted, the following information is in the words of the Presiding Judge).

* * * * *

FIRST JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Lewis and Clark and Broadwater

NO. OF JUDGES: Three

1990 POPULATION: 50,566

AREA IN SQUARE MILES: 4,669

DENSITY PER SQUARE MILE: 10.83

DISTRICT JUDGES:

The Honorable Thomas Honzel
The Honorable Jeffrey Sherlock
The Honorable Dorothy McCarter

CLERKS OF THE DISTRICT COURT:

Lewis and Clark Co. Clara Gilreath
Broadwater County Nellie B. Sayer

FIRST JUDICIAL DISTRICT

The First Judicial District celebrated the renovation of Judge Honzel's courtroom with an open house for the community on November 8, 1993, Statehood Day. This courtroom was the location of the 1889 constitutional convention, and the legislature met here while the Capitol was being constructed. The Montana Supreme Court also heard cases in this courtroom. The new courtroom meets ADA standards. Anyone visiting Helena should stop by and tour the historic Courthouse.

The conciliation court of the First Judicial District was abolished by the district court judges. The conciliation court appointed counselors to hear 167 cases from 1976 to 1992 with an average of 9.8 cases a year. The peak years for conciliation matters were in 1977 and 1978 when 28 cases were heard each of those years. Since 1983, the volume of conciliation court cases has diminished, to between two and six cases per year. The lack of use and the idea of forcing unwilling parties to go into conciliation were two of the reasons for abolishing the conciliation court. The First Judicial District is developing a family law mediation program, which should be of more benefit than the conciliation court.

Clara Gilreath, the Lewis and Clark County Clerk of the District Court since 1977, retired the end of 1993. Nancy Sweeney, a deputy in the Clerk's office for 14 years, has been appointed to replace her.

Cases filed in the 1st Judicial District in 1993:

Criminal	309	11.0%
Civil	2,130	73.0%
Dom. Rel.	26	1.0%
Adoption	45	2.0%
Sanity	70	2.0%
Juvenile	157	5.0%
Probate	190	6.0%
TOTAL	2,927	100.0%

SECOND JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Silver Bow

1990 POPULATION: 33,737

NO. OF JUDGES: 2

AREA IN SQUARE MILES: 715

DENSITY PER SQUARE MILE: 47.18

DISTRICT JUDGES:

The Honorable Mark P. Sullivan
The Honorable James Purcell

CLERK OF THE DISTRICT COURT:

Silver Bow County Lori A. Maloney

Department No. 1 has implemented a Special Master Program which handles only domestic relations matters. At this point, the attorneys have responded affirmatively to the program, although there are some areas that need improvement. The Special Master's Program is handled by the judge's law clerk.

Department No. 1 also requires that a settlement conference be held in all civil matters. The Court has found that the number of cases actually tried has decreased because of the mandatory settlement conferences.

The biggest obstacle to an efficient District is that the Clerk of Court's office has not yet been computerized. This is not because the Clerk or the State's Court Administrator have not wanted to do it, but because Silver Bow County Courthouse needs an updated electrical system to handle the computers. There just isn't enough money to get this done but the Counsel of Commissioners are working on it. Maybe next year's report will be more positive on this point.

Judge Purcell has been appointed by the Supreme Court of Montana to be Liaison Counsel for the Multi-District Litigation Breast Implant Cases and he will be handling all of the pre-trial procedures for such cases in the District Courts of the State of Montana.

SECOND JUDICIAL DISTRICT

The Second Judicial District is a one county, two judge Judicial District which serves approximately 33,737 people. The Judicial District is presided over by Judge James E. Purcell, Department No. 1, who has served since 1990 and Judge Mark P. Sullivan, Department No. 2, who has served since 1980.

The Second Judicial District is the smallest Judicial District in area (715 square miles) but has the highest population density with 47.18 people per square mile.

Cases filed in the 2nd Judicial District in 1993:

Criminal	148	14.0%
Civil	503	48.0%
Dom. Rel.	282	27.0%
Adoption	22	2.0%
Sanity	27	3.0%
Juvenile	29	2.0%
Probate	38	4.0%
TOTAL	1,049	100.0%

3RD JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Deer Lodge, Granite and Powell

NO. OF JUDGES: One

1990 POPULATION: 19,326

AREA IN SQUARE MILES: 4,809

DENSITY PER SQUARE MILE: 4.02

DISTRICT JUDGE:

The Honorable Ted L. Mizner

CLERKS OF THE DISTRICT COURT:

Deer Lodge Co.	Theresa Orrino
Granite Co.	Beverly L. Kulaski
Powell Co.	Mary Ann McKee

court sessions. In addition, all felony crimes committed within the prison as well as all inmate escapes from the prison and its numerous satellite institutions are processed in the Powell County District Court. Writs of Habeas Corpus, civil rights complaints and miscellaneous civil actions filed by prison inmates are also heard in Powell County.

This year has been one of "catch up" in the Third Judicial District after the prison riot trials consumed most of 1992. With the invaluable help of several judges from outside the District, the criminal trials were concluded. Approximately twelve civil riot cases have now been filed which will be coordinated with numerous similar cases from other jurisdictions. Several water disputes and over 100 new guardianship petitions for the patients at the Warm Springs State Hospital have nicely filled any gaps in the Court's calendar.

The Youth Court, through it's Chief Probation Officer, Gary Loshesky, continues to manage the non-profit corporation that operates the Rock Creek Youth Camp. The Youth Camp provides youth in the district and in the surrounding area with summer-long outdoor recreational opportunities. Joan Jennings, the Powell County deputy clerk retired and Sharon Applegate assumed the position in August of this year. Friendly people, beautiful scenery and cooperative lawyers continue to make the Third Judicial District a pleasant place to live and work.

THIRD JUDICIAL DISTRICT

The Third Judicial District is comprised of Anaconda-Deer Lodge County, Powell County and Granite County. Unique to the district is the fact that the Montana State Prison, the Women's Correctional Center and the Warm Springs State Hospital are located within this jurisdiction. Because all of the mental health commitments from across the State are reviewed in this jurisdiction, a special courtroom has been established on the grounds of the State Hospital for twice monthly

Cases filed in the 3rd Judicial District in 1993:

Criminal	143	16.0%
Civil	198	22.0%
Dom. Rel.	150	17.0%
Adoption	16	2.0%
Sanity	130	14.0%
Juvenile	55	6.0%
Probate	215	23.0%
TOTAL	907	100.0%

4TH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Mineral and Missoula

NO. OF JUDGES: Four

1990 POPULATION: 82,002

AREA IN SQUARE MILES: 3,818

DENSITY PER SQUARE MILE: 21.48

DISTRICT JUDGES:

The Honorable John W. Larson
The Honorable John S. Henson
The Honorable Douglas G. Harkin
The Honorable Ed P. McLean

CLERKS OF THE DISTRICT COURT:

Mineral County	Cheryle Dammon
Missoula County	Kathleen Breuer

Department current and advises of any pending cases which need immediate attention in Mineral County.

The District has adopted a settlement program that requires all civil cases to participate in a supervised settlement conference before the case is set for trial. Attorneys practicing in the Fourth Judicial District act as settlement masters and approximately 75% of the cases referred to a settlement master have been settled.

The construction of a new jury trial courtroom has corrected the problem of insufficient courtrooms in Missoula County.

Judge Jack L. Green resigned on December 31, 1992 after nearly thirty years of service as a judge of the Fourth Judicial District. His devotion to his duties as district judge is well recognized and he will be missed by the bench and bar of the Fourth Judicial District.

John W. Larson, formerly a private attorney and U.S. Magistrate, was appointed by Governor Racicot to complete the balance of Judge Green's term of office.

Cases filed in the 4th Judicial District in 1993:

Criminal	503	19.0%
Civil	1,038	39.0%
Dom. Rel.	696	26.0%
Adoption	59	2.0%
Sanity	100	4.0%
Juvenile	167	6.0%
Probate	113	4.0%
TOTAL	2,676	100.0%

FOURTH JUDICIAL DISTRICT

The Fourth Judicial District serves the counties of Missoula and Mineral Counties and has four District Judges: Judges Douglas G. Harkin, John S. Henson, John W. Larson, and Ed McLean. Cheryle Demmon is the Clerk of Court in Mineral County where she is assisted by one deputy. The Missoula County Clerk of Court, Kathleen Breuer, is assisted by twelve deputies.

Kathleen Breuer's extensive use of computers has resulted in increased efficiency in processing cases in Missoula County. Cheryle Demmon keeps each

FIFTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Beaverhead, Jefferson and Madison

NO. OF JUDGES: One

1990 POPULATION: 22,338

AREA IN SQUARE MILES: 10,731

DENSITY PER SQUARE MILE: 2.08

DISTRICT JUDGE:

The Honorable Frank M. Davis

CLERKS OF THE DISTRICT COURT:

Beaverhead Co.	Sheila Brunkhorst
Jefferson Co.	Marilyn J. Stevens
Madison Co.	Jerry R. Wing

Fridays, in Virginia City on Tuesdays, and Boulder on Wednesdays.

The Court continues its policy of making six person juries in civil cases "mandatory". With rare exception the Bar has acquiesced.

The Fifth Judicial District has recently computerized the law libraries by signing on to MONTLAW and LEXIS. The district has cancelled their subscriptions to all hard cover books and are strictly using the computer and modem. This saves on space and is proving to be more financially feasible. In the future the law libraries hope to have CD-ROM capabilities to further enhance their services.

Virginia City hosted the 1993 Montana Clerk of District Court Convention. The District Judge, his staff and the Dillon Bar presented to the delegates a special three hour trial demonstration from the selection of the jury to final verdict. The program was certified for educational credits for the Clerks as well as the participating attorneys, a videotape of the program is available from the Clerk's Association.

Cases filed in the 5th Judicial District in 1993:

Criminal	99	16.0%
Civil	246	41.0%
Dom. Rel.	112	19.0%
Adoption	12	2.0%
Sanity	5	1.0%
Juvenile	26	4.0%
Probate	105	17.0%
TOTAL	605	100.0%

FIFTH JUDICIAL DISTRICT

The Fifth Judicial District comprises three large counties of Southwestern Montana. The Court sits in Dillon, the county seat of Beaverhead County, where there are twenty lawyers. Beaverhead has 41% of the caseload. Madison County and its county seat, Virginia City has three private practitioners, with 28% of the caseload. Jefferson County with Boulder as its county seat has three attorneys and 31% of the caseload. Each county has a county attorney and deputy. Law and motion calendars are conducted in Dillon on Thursdays and

SIXTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Park and Sweet Grass

NO. OF JUDGES: One

1990 POPULATION: 17,609

AREA IN SQUARE MILES: 4,466

DENSITY PER SQUARE MILE: 3.94

DISTRICT JUDGE:

The Honorable Byron L. Robb

CLERKS OF THE DISTRICT COURT:

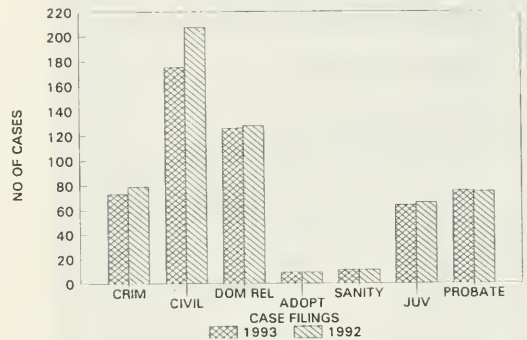
Park Co. June Little
Sweet Grass Co. Patty Jo Henthorn

Cases filed in the 6th Judicial District in 1993:

Criminal	73	14.0%
Civil	175	33.0%
Dom. Rel.	126	24.0%
Adoption	9	1.0%
Sanity	11	2.0%
Juvenile	64	12.0%
Probate	76	14.0%

TOTAL 534 100.0%

SIXTH JUDICIAL DISTRICT
1993 & 1992 COMPARISON CASELOAD FILINGS

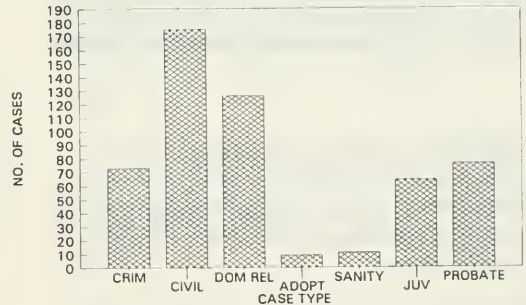


SIXTH JUDICIAL DISTRICT

The Sixth Judicial District is a single judge district which includes Park and Sweet Grass counties, and which has an annual caseload of about 576. Judge Byron L. Robb is completing his seventh year in office, and remains committed to getting the judicial work done, rather than talking about it.

Judge Robb believes the biggest present judicial challenge in his district and the rest of the state is handling the continuous avalanche of criminal and delinquent youth cases, and the legislative problem of where to house those persons convicted of crime and needing detention.

SIXTH JUDICIAL DISTRICT
CALENDAR YEAR 1993 CASELOAD FILINGS



SEVENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Dawson, McCone, Prairie, Richland
and Wibaux

NO. OF JUDGES: Two

1990 POPULATION: 24,964

AREA IN SQUARE MILES: 9,676

DENSITY PER SQUARE MILE: 2.58

DISTRICT JUDGES:

The Honorable Dale Cox
The Honorable Richard Phillips

CLERKS OF THE DISTRICT COURT:

Dawson Co.	Ardelle Adams
McCone Co.	Betty L. Robinette
Prairie Co.	Lisa Kimmet
Richland Co.	Arlene Riggs
Wibaux Co.	Roger J. Barnaby

mediation training. If anyone has any ideas on training seminars, please let us know.

As of December 1, 1993 we have cases set into July of 1994, so business has not slowed down in our district. The Dawson County Clerk of Court is now taking notes on a lap-top computer in the courtroom. She tells us it's working very well and saves her a lot of time. Another time saver is the use of telephonic conferences and hearing motions telephonically.

Jim Bennett who has been an adult probation and parole officer in this district will be retiring December 31, 1993 after 34 years. He will certainly be missed.

Judge Richard Phillips spoke to the high school government classes, giving them an overview of the judicial system and answering questions. Twice a year the District Court holds mock trials for the surrounding area high school government classes. The students enjoy this and show a lot of enthusiasm and imagination in prosecution, defense and sentencing.

In October Glendive got an economic boost with the ground breaking of the Eastern Montana Veterans Nursing Home. A new Visitor's Center was built at the entrance to Makoshika State Park. You're all invited to Glendive in April for the annual Makoshika Buzzard Day celebration.

Cases filed in the 7th Judicial District in 1993:

Criminal	97	13.0%
Civil	239	32.0%
Dom. Rel.	138	18.0%
Adoption	14	2.0%
Sanity	74	10.0%
Juvenile	37	5.0%
Probate	157	20.0%
TOTAL	756	100.0%

SEVENTH JUDICIAL DISTRICT

In 1993 the Seventh Judicial District saw an increase in the number of serious sex offenders and juvenile offenders.

We still have a high percentage of domestic and dissolution actions. We have a list of domestic relations mediators, however at this time we have not used mediation and are looking for some

EIGHTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Cascade

NO. OF JUDGES: Three

1990 POPULATION: 77,293

AREA IN SQUARE MILES: 2,661

DENSITY PER SQUARE MILE: 29.05

DISTRICT JUDGES:

The Honorable Joel G. Roth
The Honorable John M. McCarvel
The Honorable Thomas M. McKittrick

CLERK OF THE DISTRICT COURT:

Cascade Co. Nancy Morton

District Court Deficit

The Eighth Judicial District will have retired its deficit by the end of this fiscal year.

Regional Youth Center

In March of 1994 Cascade County will open a new regional youth center. It is anticipated that this facility will enhance the community based programs which are being established by the State. The center will be available for serious delinquent youths from eleven counties. This includes all of the Golden Triangle plus Lewis and Clark and Broadwater counties. Eight beds will be reserved for delinquent youths. Ten beds will be reserved for shelter care. There will also be a day school program for children who are truant, on probation, in after-care and an out of school suspension. There will also be drug assessments and education assessments provided so as to better serve the needs of the children who are placed in the facility.

Staff will number sixteen. Eight of the staff will be the students will receive credits for their degree in addition to a nominal salary.

Status offenders will continue to be placed in the Runaway Center, which is a separate facility.

Funding is presently provided from the State and Cascade County on a fifty-fifty match. User counties will also be charged a fee.

Clerks

The Eighth Judicial District Judges do not have clerks to assist them in handling an ever increasing case load. With the deficit soon to be eliminated the issue of clerks for the judges will be re-examined.

EIGHTH JUDICIAL DISTRICT

Eighth Judicial District

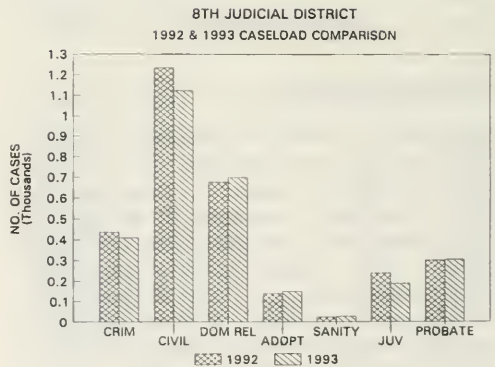
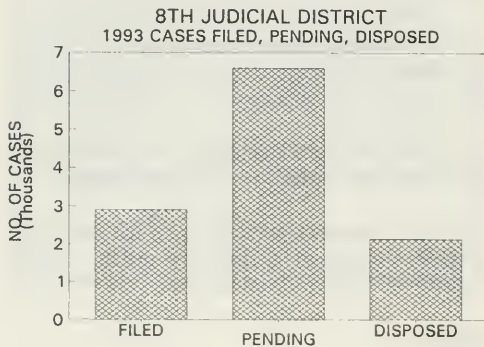
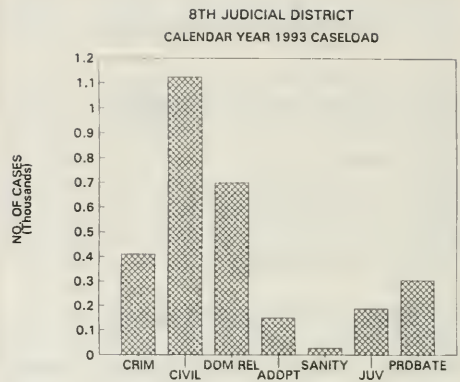
The Eighth Judicial District includes all of Cascade County and is served by three District Court Judges: Thomas M. McKittrick, Department A; John M. McCarvel, Department B; and Joel G. Roth, Department C. All three judges are up for election in 1994. Judge McKittrick has indicated he intends to file for reelection. Judge McCarvel, who was appointed to the bench in 1979, has announced that he will not seek reelection. Judge Roth has not decided if he is going to seek reelection.

Public Defender System

The Public defender System, which is administered by the Cascade County Commissioners, continues to be a lightning rod for litigation.

Cases filed in the 8th Judicial District in 1993:

Criminal	410	14.0%
Civil	1,123	39.0%
Dom. Rel.	699	24.0%
Adoption	150	5.0%
Sanity	28	1.0%
Juvenile	188	6.0%
Probate	304	11.0%
TOTAL	2,902	100.0%



NINTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Glacier, Pondera, Teton and Toole

NO. OF JUDGES: One

1990 POPULATION: 29,793

AREA IN SQUARE MILES: 10,496

DENSITY PER SQUARE MILE: 2.84

DISTRICT JUDGE:

The Honorable Ronald D. McPhillips

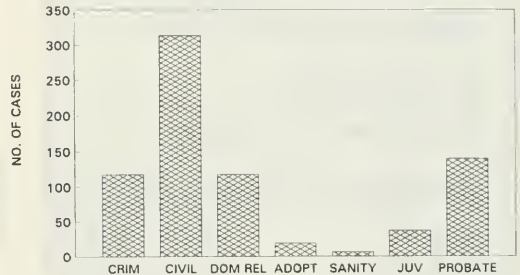
CLERKS OF THE DISTRICT COURT:

Glacier Co.	Mary Phippen
Pondera Co.	Anita White Jones
Teton Co.	Emile Kimmet
Toole Co.	Penny Underdahl

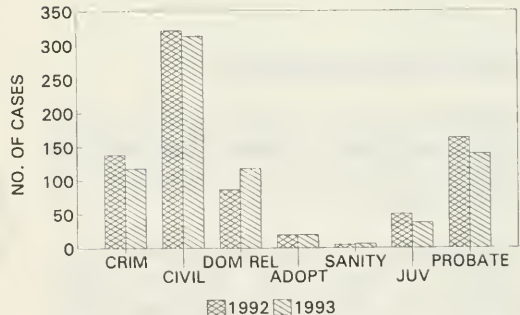
Cases filed in the 9th Judicial District in 1993:

Criminal	117	16.0%
Civil	313	42.0%
Dom. Rel.	117	16.0%
Adoption	19	2.0%
Sanity	6	1.0%
Juvenile	37	4.0%
Probate	139	19.0%
TOTAL	748	100.0%

9TH JUDICIAL DISTRICT
CALENDAR YEAR 1993 CASELOAD FILINGS



9TH JUDICIAL DISTRICT
1992 & 1993 CASELOAD COMPARISON



NINTH JUDICIAL DISTRICT

The Ninth Judicial District covers Glacier, Pondera, Teton and Toole Counties. The presiding judge is the Honorable Ronald D. McPhillips who has served in this capacity since 1963.

TENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Fergus, Judith Basin and Petroleum

NO. OF JUDGES: One

1990 POPULATION: 14,797

AREA IN SQUARE MILES: 7,777

DENSITY PER SQUARE MILE: 1.90

DISTRICT JUDGE:

The Honorable Peter L. Rapkoch

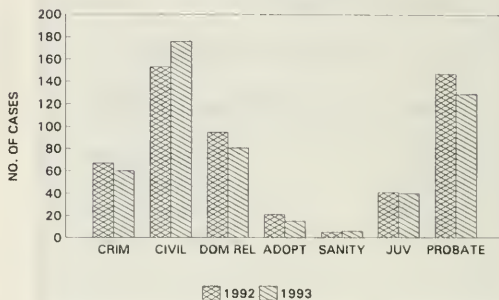
CLERKS OF THE DISTRICT COURT:

Fergus Co.	Greta M. Ross
Judith Basin Co.	Acelia "Ann" Leach
Petroleum Co.	Bonny L. Allen

Cases filed in the 10th Judicial District in 1993:

Criminal	60	12.0%
Civil	176	35.0%
Dom. Rel.	81	16.0%
Adoption	15	3.0%
Sanity	6	1.0%
Juvenile	40	8.0%
Probate	129	25.0%
TOTAL	507	100.0%

10TH JUDICIAL DISTRICT
1992 & 1993 CASELOAD COMPARISON

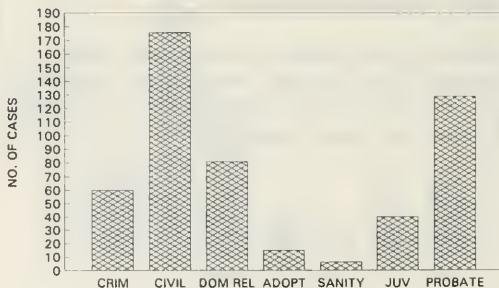


TENTH JUDICIAL DISTRICT

The Honorable Peter L. Rapkoch has three counties in his judicial district: Fergus, Judith Basin, and Petroleum. Fergus County is his busiest district, as is to be expected.

To help with an increased caseload, the Clerks of Court are: Fergus County, Greta Ross; Judith Basin County, Ann Leach; Petroleum County, Bonny Allen. Harry Rauch is the Court Reporter. Diane Amdahl remains as Judge Rapkoch's secretary.

10TH JUDICIAL DISTRICT
CALENDAR YEAR 1993 CASE FILINGS



ELEVENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Flathead

NO. OF JUDGES: Two

1990 POPULATION: 58,782

AREA IN SQUARE MILES: 5,137

DENSITY PER SQUARE MILE: 11.44

DISTRICT JUDGES:

The Honorable Michael H. Keedy
The Honorable Ted O. Lympus

CLERK OF THE DISTRICT COURT:

Flathead Co. Peg L. Allison

Our Youth Court, with Pat Warnecke as Chief Probation Officer, continues to be extremely busy as well.

The District Judges are to varying degrees encouraging the use of Special Masters, whenever feasible and especially in domestic relation matters in an effort to avoid otherwise often lengthy delay in final disposition. Also, and in furtherance of the same objective, the District requires a settlement conference before a matter is set for trial (whether jury or non-jury). The settlement masters are most often members of the local bar whose names are on a list of availability. The process seems to be working quite well and the local bar is most deserving of the credit.

Cases filed in the 11th Judicial District in 1993:

Criminal	285	15.0%
Civil	634	34.0%
Dom. Rel.	595	32.0%
Adoption	74	4.0%
Sanity	29	2.0%
Juvenile	40	2.0%
Probate	224	11.0%
TOTAL	1,881	100.0%

ELEVENTH JUDICIAL DISTRICT

The Eleventh Judicial District (Flathead County) continues to be an extremely busy place. The Flathead is one of Montana's fastest growing areas, and the impact of that fact has not been lost upon the respective caseloads of the District's two Judges, Michael H. Keedy and Ted O. Lympus.

The Courts are assisted by respective staffs consisting of reporters Robert Nieboer and Bambi Goodman, law clerks Therese Hash and Jodie Johnson, secretaries Kathy Froystad and Kris Mann, and a fine Clerk's office headed by Peg Allison, who is completing her first year of office following longtime Clerk of Court John Van's decision to retire.

TWELFTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Chouteau, Hill and Liberty

NO. OF JUDGES: One

1990 POPULATION: 25,305

AREA IN SQUARE MILES: 8,293

DENSITY PER SQUARE MILE: 3.05

DISTRICT JUDGE:

The Honorable John Warner

CLERKS OF THE DISTRICT COURT:

Chouteau Co.	Louise V. Sagan
Hill Co.	Dena Tippets
Liberty Co.	Patricia Seidlitz

Chouteau County. The caseload is approximately 75% Hill County, 14% Chouteau County, and 11% Liberty County.

During the fiscal year 1993, 177 civil cases, 117 criminal cases, 161 domestic relations cases, 149 probates, 14 adoptions, 4 sanity cases and 46 juvenile cases were filed in the District.

Of those cases, 112 civil cases, 104 criminal cases, 142 domestic relations cases, 85 probates, 41 juvenile cases, 12 adoptions and 4 sanity cases were filed in Hill County. Eight jury trials were conducted in Hill County.

In Chouteau County, 21 civil cases, 11 criminal cases, 16 domestic relations cases, 41 probates, 1 adoption, and 4 juvenile cases were filed. Chouteau County conducted 1 jury trial.

Forty-four civil cases, 2 criminal cases, 23 probates, 1 adoption, 1 juvenile case and 3 domestic relations cases were filed in Liberty County. One jury trial was conducted in Liberty County.

The Twelfth Judicial District has many new faces this year among the staff. In July, Court Reporter Gene Hollmann retired after over 24 years of service. Doug Christenson joined the staff in August, 1993, as the new court reporter.

Our former secretary, Kathie Vigliotti became a Hill County Deputy Clerk of Court in November, and Tammy Langel was hired as the District Court secretary at that time.

Bryce Johnson, the Chief Probation Officer, retires January 31, 1994, after over 30 years of service. Robert Peake will be assuming his duties.

Law Clerk, Elizabeth Woods left the Court December 15th. after working for the Court for a year and a half. Her replacement will be selected in January.

TWELFTH JUDICIAL DISTRICT

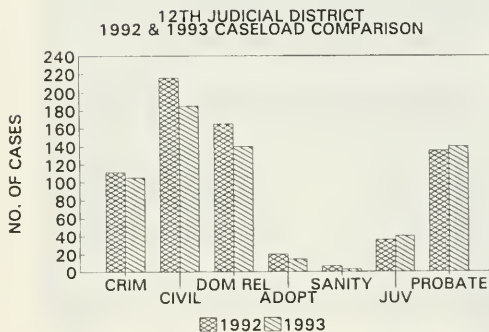
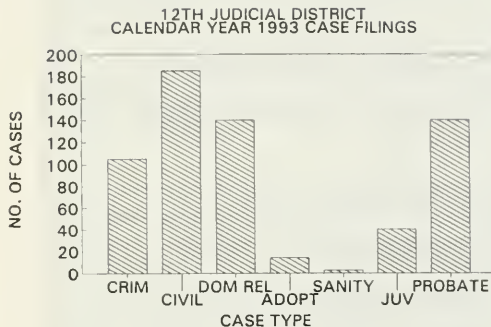
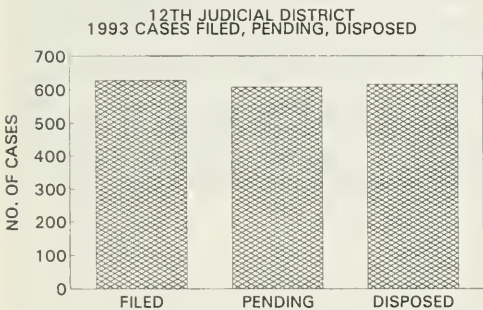
The Twelfth Judicial District is composed of Hill, Chouteau, and Liberty Counties. Judge John Warner presides over the 12th Judicial District and has Chambers in the Hill County Courthouse, in Havre. The District Court staff consists of one law clerk, one secretary, one juvenile probation officer and one official court reporter.

Law and Motion days in the various counties are every Monday and Wednesday in Hill County, the third Thursday of the month in Liberty County, and the first and third Tuesdays of the month in

The Court may be reached at 265-5481 during normal business hours. Documents may be telefaxed to the Court in Fort Benton (Chouteau County) at (406) 622-3631, in Havre (Hill County) at (406) 265-5487, and in Chester (Liberty County) at (406) 759-5799.

Cases filed in the 12th Judicial District in 1993:

Criminal	105	17.0%
Civil	185	30.0%
Dom. Rel.	140	22.0%
Adoption	14	2.0%
Sanity	3	1.0%
Juvenile	40	6.0%
Probate	140	22.0%
TOTAL	627	100.0%



THIRTEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Big Horn, Carbon, Stillwater and
Yellowstone

NO. OF JUDGES: Five

1990 POPULATION: 137,698

AREA IN SQUARE MILES: 11,525

DENSITY PER SQUARE MILE: 11.95

DISTRICT JUDGES:

The Honorable William J. Speare
The Honorable Robert W. Holmstrom
The Honorable G. Todd Baugh
The Honorable Russell K. Fillner
The Honorable Maurice R. Colberg

CLERKS OF THE DISTRICT COURT:

Big Horn Co.	Janice Heath
Carbon Co.	Gayle M. Hilderman
Stillwater Co.	Marlene Johnson
Yellowstone Co.	Charmaine R. Fisher

Counties, and one to Stillwater County. These counties are served on a regular schedule of not less than two court days per month. The judges assigned cooperate in fixing the calendar so that court days are generally spaced two weeks apart.

The county commissioners of Yellowstone County completed the courthouse renovation in 1993. The fifth courtroom was completed in the fall and each judge has an office and courtroom. The clerk of court has been in her new office on the 7th floor for the entire year.

The judges amended Rules of Practice and adopted, effective July 1st, 1993, a new rule providing for settlement conferences. This rule has been implemented by the judges and the Bar, and seems to be working very well. A copy of Rule 29 can be obtained from the Clerk of Court in Billings.

The total caseload for Yellowstone County is down somewhat from 1992. Civil and domestic relations cases have decreased from 3,467 in 1992 to 3,150 for 1993. New criminal cases have decreased from 670 in 1992 to 588 in 1993. However, juvenile and probate, including guardianships and conservatorships, have increased, 33 and 56, respectively. Total fees received in Yellowstone County increased from \$360,087 to \$427,246.

Cases filed in the 13th Judicial District in 1993:

Criminal	684	13.0%
Civil	2,271	43.0%
Dom. Rel.	1,287	24.0%
Adoption	100	2.0%
Sanity	112	2.0%
Juvenile	307	6.0%
Probate	500	10.0%
TOTAL	5,261	100.0%

THIRTEENTH JUDICIAL DISTRICT

All five of the district judges serving in this district are headquartered in Billings, Yellowstone County, Montana. To provide services to the counties of Big Horn, Carbon and Stillwater, four of the judges are assigned, two each, to Big Horn and Carbon

FOURTEENTH JUDICIAL DISTRICT
1993

COUNTIES IN THE DISTRICT:

Golden Valley, Meagher, Musselshell
and Wheatland

NO. OF JUDGES: One

1990 POPULATION: 9,070

AREA IN SQUARE MILES: 6,837

DENSITY PER SQUARE MILE: 1.33

DISTRICT JUDGE:

The Honorable Roy C. Rodeghiero

CLERKS OF THE DISTRICT COURT:

Golden Valley Co.	Aileen Mattheis
Meagher Co.	Donna Morris
Musselshell Co.	Dona C. Robson
Wheatland Co.	Janet Hill

FOURTEENTH JUDICIAL DISTRICT

The past year has been a busy time for the Court. Our Court Reporter, John LaPierre, and our part-time secretary Connie Mattfield, with all of our District Clerks and Deputies work well together in getting the job done.

The district is approximately 200 miles east and west across the central part of Montana with an area larger than many states. The distance between the two further most county seats of Roundup and White Sulphur Springs is 130 miles. The district includes both plains and mountains in a highly agricultural and ranch based economy in addition to oil and gas, mining, lumbering and recreation. The Musselshell and Smith Rivers flow in this district. The Snowy, Belt, Castle, Crazy and Bull Mountains are found therein.

The district is sparsely populated with quality people. Much windshield time is spent in carrying out the duties of the District Judge.

Cases filed in the 14th Judicial District in 1993:

Criminal	44	14.0%
Civil	117	37.0%
Dom. Rel.	57	18.0%
Adoption	14	4.0%
Sanity	4	1.0%
Juvenile	28	8.0%
Probate	56	18.0%
TOTAL	320	100.0%

FIFTEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Daniels, Roosevelt and Sheridan

NO. OF JUDGES: One

1990 POPULATION: 17,916

AREA IN SQUARE MILES: 5,501

DENSITY PER SQUARE MILE: 3.26

DISTRICT JUDGE:

The Honorable M. James Sorte

CLERKS OF THE DISTRICT COURT:

Daniels Co.	Patricia McDonnell
Roosevelt Co.	Patricia A. Stennes
Sheridan Co.	Cheryl A. Olson

The Fifteenth Judicial District has seen an increase in juvenile activity in the three county area. A new community awareness of young people and crime has brought forth a strong insistence that youth be held accountable for their actions and be dealt with accordingly.

This has been a busy year for Daniels County. There was a murder in May of this year. This was the first murder case in the county in over fifty years.

Joann Heser, our District and Youth Court secretary, has also assumed the role of Court Reporter for the Fifteenth Judicial District. Harry Rauch, our previous Court Reporter for Daniels and Sheridan counties, took a full-time position as Court Reporter in Lewistown in December of 1992. Joann utilizes an electronic recording system which we transport with us to Scobey and Plentywood.

The Youth Court acquired a new 486 computer through a grant from the Board of Crime Control. We then networked our older computer, which the Youth Court Secretary uses, with the new computer which the Chief Probation Officer uses. The JPIS system is much more beneficial and efficient now, as the secretary may input data and the Chief Probation Officer has access to such information on demand.

Cases filed in the 15th Judicial District in 1993:

Criminal	15	4.0%
Civil	158	47.0%
Dom. Rel.	18	5.0%
Adoption	21	6.0%
Sanity	1	.0%
Juvenile	20	6.0%
Probate	105	32.0%
TOTAL	338	100.0%

FIFTEENTH JUDICIAL DISTRICT

Both Judge Sorte and our new probation officer, Delmar Olsen, attended the annual Judges' Conference held in Billings in October in conjunction with the annual meeting of the State Juvenile Probation Officers' Association.

The Chief Probation Officer attended the 20th National Conference on Juvenile Justice in Seattle, Washington, in February. Some valuable insight into the direction the Federal government is moving in juvenile justice was gained.

SIXTEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Carter, Custer, Fallon, Garfield,
Powder River, Rosebud and
Treasure

NO. OF JUDGES: Two

1990 POPULATION: 31,502

AREA IN SQUARE MILES: 22,300

DENSITY PER SQUARE MILE: 1.41

DISTRICT JUDGES:

The Honorable Kenneth R. Wilson
The Honorable Joe L. Hegel

CLERKS OF THE DISTRICT COURT:

Carter Co.	Carole Carey
Custer Co.	Bernice Matthews
Fallon Co.	Carol Wade
Garfield Co.	Charlotte Herbold
Powder River Co.	Arlynn Archer
Rosebud Co.	Marilyn Hollister
Treasure Co.	LaVon Adair

SIXTEENTH JUDICIAL DISTRICT

The Sixteenth Judicial District encompasses seven Southeastern Montana Counties: Carter, Custer, Fallon, Garfield, Powder River, Rosebud and Treasure, and some 21,815 square miles with a population of only about 36,000.

There are two Judges in the Sixteenth Judicial District, Kenneth R. Wilson in Department 1, and Joe L. Hegel in Department 2.

Judge Wilson makes the following observation: That the administrators of the District Court Reimbursement Fund should reconsider its position with respect to reimbursement to the counties for post-conviction relief involving death penalty cases. The remedy of post conviction relief is contained in the criminal code, and is as much a part of the journey to the Ninth Circuit as any other proceeding in a death penalty case.

Judge Wilson is primarily responsible for Custer, Garfield and Powder River Counties. Judge Hegel is primarily responsible for Rosebud, Treasure, Fallon and Carter Counties. Judge Hegel is also the Youth Court Judge for all seven counties in the district. Judge Hegel also has been elected and assumed additional duties as Water Judge for the Lower Missouri Basin.

Cases filed in the 16th Judicial District in 1993:

Criminal	135	15.0%
Civil	283	31.0%
Dom. Rel.	202	22.0%
Adoption	23	3.0%
Sanity	21	2.0%
Juvenile	67	7.0%
Probate	182	20.0%
TOTAL	913	100.0%

SEVENTEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Blaine, Phillips and Valley

NO. OF JUDGES: One

1990 POPULATION: 20,066

AREA IN SQUARE MILES: 14,462

DENSITY PER SQUARE MILE: 1.39

DISTRICT JUDGE:

The Honorable Leonard H. Langen

CLERKS OF THE DISTRICT COURT:

Blaine Co.	Kay Johnson
Phillips Co.	Frances M. Webb
Valley Co.	Patricia A. Hill

SEVENTEENTH JUDICIAL DISTRICT

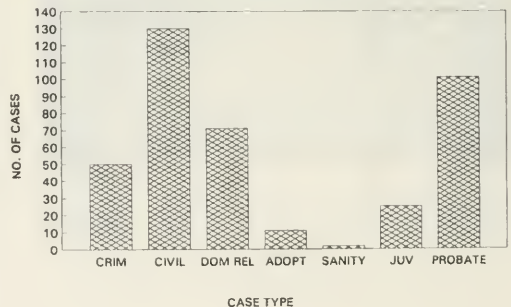
The Montana Seventeenth Judicial District consist of the counties Valley, Phillips and Blaine. This is a one Judge district, he being the Honorable Leonard H. Langen, who has his chambers located at the Valley County Courthouse at Glasgow, Montana.

The Honorable Leonard H. Langen, retired December 31, 1993.

Cases filed in the 17th Judicial District in 1993:

Criminal	50	13.0%
Civil	130	33.0%
Dom. Rel.	71	18.0%
Adoption	11	3.0%
Sanity	2	1.0%
Juvenile	25	6.0%
Probate	101	26.0%
TOTAL	390	100.0%

17TH JUDICIAL DISTRICT
CALENDAR YEAR 1993 CASE FILINGS



EIGHTEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Gallatin

NO. OF JUDGES: Two

1990 POPULATION: 50,310

AREA IN SQUARE MILES: 2,517

DENSITY PER SQUARE MILE: 19.99

DISTRICT JUDGES:

The Honorable Thomas A. Olson
The Honorable Larry Moran

CLERK OF THE DISTRICT COURT:

Gallatin Co. Lorraine Van Ausdol

Department 1 - The Honorable Thomas A. Olson

Alternative Dispute Resolution - Department No. 1 continues its aggressive involvement with alternative dispute resolution. The Department has on staff a family law mediator available to parties at no cost. The statistics for 1993 show:

Families using service -- 58% of dissolution cases filed

Full resolution -- 81% of cases referred

Partial resolution -- 12%

Referrals to court for trial -- 7%

Settlement Conferences - In addition to mediation, the department also uses the Honorable Jack Levitt, a retired California Superior Court Judge, who conducts settlement conferences on all jury cases set for trial. The service is also available, on a voluntary basis, in judge cases. No fee is charged to the parties. The statistics show:

No. of session held -- 19

Cases settled -- 60%

Guardian Ad Litem - Department No. 1 recently sent that Guardian Ad Litem to a CASA conference in Missoula. We continue to be very fortunate in having such dedicated and qualified volunteers available. Due to an increasing caseload, the court has been forced to limit the use of guardians in custody cases.

Community Corrections - A Community Corrections Board is active in this county. Judge Olson is the chairperson. The board is attempting to design local programs to increase sentencing options for local judges. The cap placed on the prison population has provided additional impetus to develop such programs.

Case Management - This department has adopted the ABA standards concerning the monitoring of cases and the use of a 30-day deadline for matters taken under advisement by the judge. For the past several years, the department has been using a computer program called "Case Tracker" to monitor

EIGHTEENTH JUDICIAL DISTRICT

The 18th Judicial District includes all of Gallatin County and is served by two District Judges: Thomas A. Olson, Department No. 1 and Larry W. Moran, Department No. 2. Facilities for both Departments are located in the Law and Justice Center, 615 South 16th Street in Bozeman. The Law and Justice Center is currently undergoing extensive remodeling. Upon completion of the project, local law enforcement agencies (Bozeman Police Department and Gallatin County Sheriff) will be housed here. In addition, the Bozeman City Court will move into the building joining the two district courts and two justice courts.

all cases. Since the Court Administrator's Office has installed the computerized programs in the Clerk's office, this court is working to develop ways to use that information. We have a valuable case management tool at our fingertips if we can design simple ways to use it. For example, asking the computer to provide statistics, identify stalled cases, and tell the judge how efficiently he is disposing of cases, is information all judges need.

Local Rules - The department has issued Local District Court Rules for Department No. 1. The rules were drafted with the cooperation of the local bar. It is hoped that unnecessary delays and disputes will be alleviated through the promulgation of such rules.

Department No. 2 - The Honorable Larry W. Moran

The Bozeman area's growth continues unabated, precipitating increased litigation, particularly juvenile, criminal, and family cases. Department 2 struggles, but does manage to keep relatively current with its caseload -- a tribute to the hard work of everyone, with a conscientious effort to simplify administration. Somehow or other, it now appears all matters ripe for decision in 1993, will be decided in 1993.

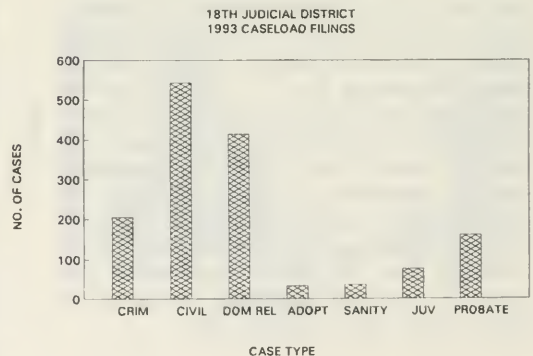
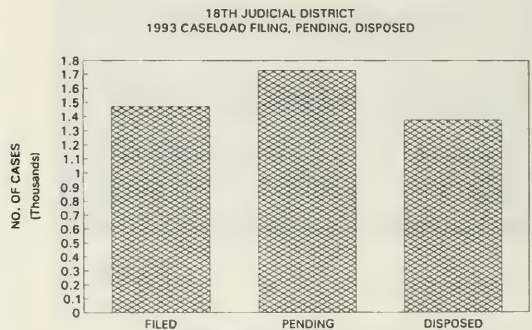
The mediation program (mandatory in dissolution/custody/support matters) initiated by Judge Moran in 1989, maintains its effectiveness to the extent it would be impossible to operate without it. This program, though time consuming in itself, effectively resolves about 75 % of such cases, and does so while freeing up the presiding judge for more complex litigation.

One of the matters Department 2 will be exploring in 1994 is how to extend mediation into all civil cases. Though Department 2 remains fortunate in having the services of retired Judge Jack Levitt for settlement conferences, the success of "mediation" in all civil cases (such as done in Florida and other densely populated states) encourages us to

experiment by instituting a process actively encouraging settlement through procedures less formal than settlement conferences and trials.

Cases filed in the 18th Judicial District in 1993:

Criminal	206	14.0%
Civil	544	37.0%
Dom. Rel.	414	28.0%
Adoption	33	2.0%
Sanity	37	3.0%
Juvenile	76	5.0%
Probate	161	11.0%
TOTAL	1,471	100.0%



NINETEENTH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Lincoln

NO. OF JUDGES: One

1990 POPULATION: 17,454

AREA IN SQUARE MILES: 3,714

DENSITY PER SQUARE MILE: 4.70

DISTRICT JUDGE:

The Honorable Robert Keller

CLERK OF THE DISTRICT COURT:

Lincoln Co.

Lucille Briggs

The District Court Administrator attended a one-week course at the National Judicial College in Reno, Nevada entitled "Effective Caseflow Management" by receiving a grant from the State Justice Institute. Although our court has already implemented a system to maintain a successful caseflow operation; new ideas, alternatives and suggestions in other areas were obtained by attendance in the course.

For the first time this year, we have established and maintained a list of mediators available to assist parties in formally mediating disputes as required by statute. An application form was provided along with a copy of the statutes pertaining to family law mediation. The response was good considering this is a position infrequently ordered by the Court.

The Nineteenth Judicial District is the first to undertake the formation of establishing an area conservancy district. A Petition was filed, a hearing was held with attendance by counsel for the Montana Department of Natural Resources and Conservation and a mail ballot was to be conducted. If fifty-one percent or more of the eligible electors have voted in the election, and a majority of those voting voted in favor of organization of the district, the Libby Area Conservancy District shall be created by order and decree of the Court.

The Juvenile Probation Office has changed their name to Lincoln County Youth Court Services as many programs are designed to assist Lincoln County's at-risk youth. One such program, Community Service Program, has been successful in reducing recidivism, teaches job skills and enhances cooperative interaction. The Lincoln County Youth Court Services has received a grant for training and employment to establish a new program entitled Life-Link. The purpose of Life-Link is to have the person go into the home and work with all family members to establish a functional environment. If it is successful, the amount of youths removed from their homes could be greatly reduced, thus, decreasing the cost for foster care, youth group home care, etc.

NINETEENTH JUDICIAL DISTRICT

During the year 1993; 307 civil cases, 109 criminal cases and 46 probates have been filed, showing an increase in civil and criminal cases at this same time last year. There have been six jury trials conducted so far this year with the last one lasting two weeks.

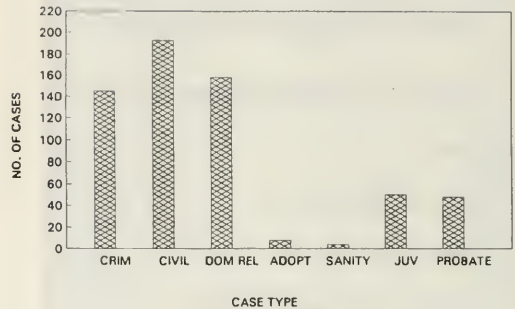
The District Court has hired a new law clerk as the former law clerk went back into private practice. Also, the Public Defender's Office hired a second attorney to help with their ever increasing caseload.

The Clerk of Court of the 19th Judicial District has advanced to President of the Montana Association of Clerks of the District Court for 1993-1994. The 1994 convention of MACDC will be held in Lincoln County, Libby, Montana in June. The convention will be divided into schooling, association business, visiting local attractions and closing with the ritual of handing the gavel to the new president.

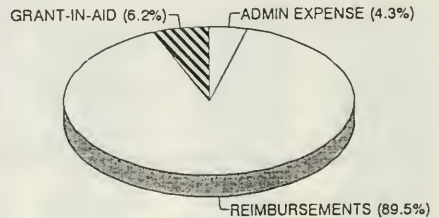
Cases filed in the 19th Judicial District in 1993:

Criminal	145	24.0%
Civil	193	32.0%
Dom. Rel.	158	26.0%
Adoption	8	1.0%
Sanity	4	1.0%
Juvenile	50	8.0%
Probate	48	8.0%
TOTAL	606	100.0%

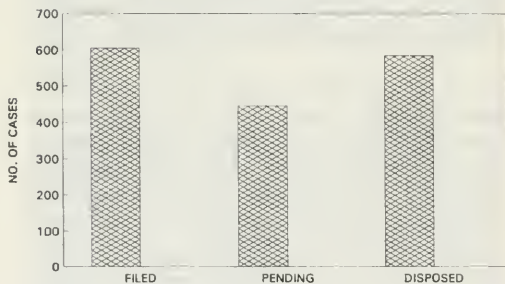
19TH JUDICIAL DISTRICT
1993 CASELOAD FILINGS



DISTRICT COURT REIMBURSEMENT PROGRAM
FY 1993 EXPENSES



19TH JUDICIAL DISTRICT
1993 CASELOAD FILING, PENDING, DISPOSED



TWENTIETH JUDICIAL DISTRICT

1993

COUNTIES IN THE DISTRICT:

Lake and Sanders

NO. OF JUDGES: One**1990 POPULATION:** 29,629**AREA IN SQUARE MILES:** 4,272**DENSITY PER SQUARE MILE:** 6.94**DISTRICT JUDGE:**

The Honorable C. B. McNeil

CLERKS OF THE DISTRICT COURT:

Lake Co.	Katherine E. Pedersen
Sanders Co.	Evelyn Cox

TWENTIETH JUDICIAL DISTRICT

The 20th Judicial District is a single judge multi-county district consisting of Lake and Sanders Counties and stretches from the Bob Marshall Wilderness to the Idaho border and includes two wilderness areas and the Flathead Indian Reservation. The Judicial District is presided over by Judge C. B. McNeil who has served since the District was created effective January 1985.

The caseload has been kept current and the trial calendar up to date. There are no criminal cases pending that do not have a timely trial date set, and requests for civil trials, including jury or non-jury, can expect a setting within two to three months as the only case set on a date certain.

This year the Advanced Revelation Case Management Program was installed in the computers in the office of the Lake County Clerk of Court and the Clerks are in the process of placing old cases, as time permits, on their computers. Computer networking enhances communication between the Judge's office and the Clerk's office.

Cases filed in the 20th Judicial District in 1993:

Criminal	171	17.0%
Civil	386	37.0%
Dom. Rel.	252	25.0%
Adoption	22	2.0%
Sanity	3	0.0%
Juvenile	70	7.0%
Probate	126	12.0%
TOTAL	1,030	100.0%

TWENTY-FIRST JUDICIAL DISTRICT

1993

COUNTY IN THE DISTRICT:

Ravalli

NO. OF JUDGES: One

1990 POPULATION: 25,010

AREA IN SQUARE MILES: 2,396

DENSITY PER SQUARE MILE: 10.44

DISTRICT JUDGE:

The Honorable Jeffrey H. Langton

CLERK OF DISTRICT COURT:

Ravalli Co. Debbie Harmon

The last year has been an active and challenging time. The only carry over staff is juvenile probation officer David Demmons, who is now the chief juvenile probation officer with one assistant officer. Judge Langton has employed Ms. Diane Gerhardt as his administrative assistant. Diane brings to the job a background as a legal secretary, former deputy clerk of court, and she has obtained her paralegal certificate. Her assistance is indispensable. The Court has contracted with Melody Jeffries Court Reporting to supply reporting services. This has resulted in considerable cost savings to the county and is working well. In addition, the county commissioners have funded access to a part time law clerk which has helped the Court keep abreast of the workload.

The judge's chambers and staff offices are in temporary quarters pending completion of a new justice center wing to the Courthouse. This project is funded by a \$3+ million bond issue approved by county voters in November 1992. The construction process is a trying one as we try to schedule courtroom use around construction activity and make use of a temporary courtroom when necessary. However, the end result will be a new county jail and 96-hour juvenile detention facility and new and refurbished office spaces.

The Court has adopted and published new rules of local practice including a mandatory settlement master program in civil cases which is effectively reducing unnecessary trial settings. All cases are now assigned specific trial dates once all pretrial activities are concluded and a settlement conference has been conducted by an attorney settlement master.

Child visitation guidelines have been adopted and distributed to document the Court's general policies in such cases.

A review has been completed of all probates more than two years old and all civil cases filed since January 1, 1984, with the goal of dismissing or otherwise concluding dormant cases or placing them on the calendar for further activity. The Court's

TWENTY-FIRST JUDICIAL DISTRICT

The 21st Judicial District was created by the 1991 Legislature effective January 1, 1993. The legislation was designed to lighten the work load in the 4th Judicial District and to provide increased judicial services to Ravalli County, which continues to be one of the fastest growing counties in Montana. Judge Langton, a Ravalli County native and practicing attorney for 14 years, was elected at the general election in 1992 to fill the new position with chambers in the County Seat of Hamilton. Ravalli County has not had a resident district judge since 1933.

policy is to ensure that all cases are on a deadline at all times until they are finally resolved, if only for a status report. The Court will proceed into older cases as time permits. This process has resulted in the resolution of well over 200 dormant civil cases and probates.

Computerization is being pursued as rapidly as funds permit. The Clerk of Court's office is now fully computerized thanks to a grant obtained through the Supreme Court Administrator, and the judge has obtained a lap top computer and is gleefully participating in the introductory Westlaw program which he highly recommends to the other district judges.

The Court has conducted six felony jury trials since May 24, 1993, with more upcoming in January.

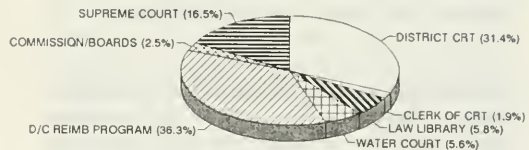
Judge Langton had the opportunity to attend the three-week General Jurisdiction course at the National Judicial College in April-May 1993 which he found both stimulating and educational.

Currently the Court is working to initiate a Court Appointed Special Advocate (CASA) program in Ravalli County so that a volunteer CASA worker can be appointed in all youth in need of care actions. The program should be operational sometime next year.

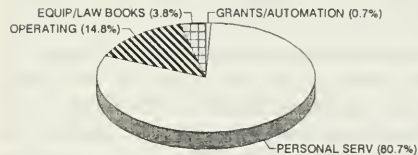
Cases filed in the 21th Judicial District in 1993:

Criminal	134	15.0%
Civil	368	41.0%
Dom. Rel.	207	23.0%
Adoption	31	3.0%
Sanity	12	1.0%
Juvenile	56	6.0%
Probate	101	11.0%
TOTAL	909	100.0%

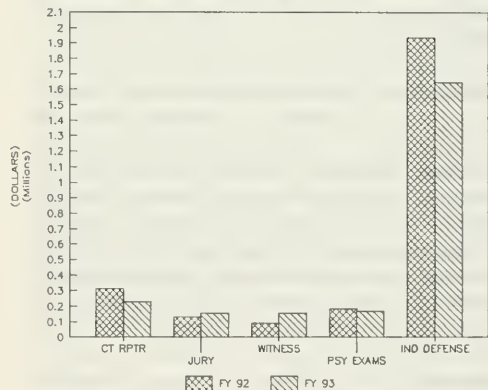
MONTANA SUPREME COURT FY 1993 BUDGET



MONTANA SUPREME COURT FY 1993 EXPENDITURES



DISTRICT COURT REIMBURSEMENT PROGRAM STATEWIDE REIMBURSEMENT FY92-FY93



MONTANA DISTRICT JUDGES

District Court Judges serving in 1993 were:

G. TODD BAUGH - District Judge, 13th Judicial District. Born October 12, 1941 in Sweetwater, Texas, and came to Montana in 1967. Received B.A. in Economics and Business from Rice University and LL.B from the University of Texas. Engaged in the general practice of law. Elected to the bench in 1984. His wife's name is Linda and they are the parents of two children.

MAURICE R. COLBERG - District Judge, 13th Judicial District. Born December 26, 1934 in Minneapolis, Minnesota, and came to Montana in 1940. Served in the U. S. Army 1957-1958 and in the Army Reserve 1959-1965. Received a B.S. in Business Administration from the University of Montana in 1957, an LL.B from the University of Montana in 1960 and was awarded a J.D. degree from the University of Montana in 1970. Engaged in the general practice of law with emphasis on commercial litigation and served as a Trustee for Billings School District No. 2 1979-1985. Appointed to the bench November 10, 1989. His wife's name is Patricia and they are the parents of three children.

DALE COX - District Judge, 7th Judicial District. Born March 23, 1927 in Great Falls, Montana. Served in the U. S. Navy. Attended University of Montana, Washington University at St. Louis and received B.A. from St. Louis University and LL.B and J.D. from the University of Montana. Engaged in the general practice of Law and served as County Attorney for Dawson County. Appointed to the bench June, 1987. His wife's name is Jackline and they are the parents of two children.

FRANK M. DAVIS - District Judge, 5th Judicial District. Born November 2, 1921 in Nicoli, Tennessee, and came to Montana in 1952. Attended East Tennessee State and received LL.B from the University of Tennessee. Served in the

U.S. Air Force. Appointed to the bench May, 1970. Elected 1982 and 1988. His wife's name is Joan and they are the parents of five children.

RUSSELL K. FILLNER - District Judge, 13th Judicial District. Born April 18, 1926 in Forsyth, Montana. Served in the U. S. Army. Received LL.B and Ph.D from the University of Montana. Served as County Attorney for Rosebud County 1953-1965, City Attorney, Forsyth, Montana 1953-1965, City Councilman, City of Billings. Engaged in the general practice of law. Appointed to the bench December, 1986, elected 1988. Wife's name is Jane and they are the parents of five children.

DOUGLAS G. HARKIN - District Judge, 4th Judicial District. Born May 21, 1943 in Sidney, Montana. Served in the U.S. Marine Corps. Received a B.S. in Accounting and J.D. from the University of Montana. Engaged in the general practice of law and was County Attorney for Ravalli County. Elected to the bench in 1980, 1986, and 1992. Father of three children.

JOE L. HEGEL - District Judge, 16th Judicial District. Born April 10, 1951 in Forsyth, Montana. Served in the U.S. Army Reserve 1969-1972. Received a B.A. in Government from St. John's University in 1973, J.D. from the University of Montana in 1977, and LL.M in Taxation from Boston University in 1978. Engaged in the general practice of law with emphasis on criminal, domestic relations and firm finance. He was elected to the bench in November 1988. His wife's name is Marielaine and they are the parents of three children.

JOHN S. HENSON - District Judge, 4th Judicial District. Born September 29, 1940 in Wadsworth, Ohio. Came to Montana in 1971. Received a B.S. from Arizona State University and J.D. from the University of Kentucky. Engaged in the general practice of law and natural resource law. Served as County Attorney for Mineral County. Appointed to

the bench May, 1979, and has served continually since his appointment. Father of two children.

R. W. HOLMSTROM - District Judge, 13th Judicial District. Born March 29, 1928 in Garden City, Kansas, and moved to Montana in 1946. Served in the U.S. Navy 1945-46. Received a B.A. from the University of Montana in 1950 and a LL.B from the University of Montana in 1952. Engaged in the general practice of law with emphasis on litigation. Appointed to the bench March 16, 1984. His wife's name is Patricia and they are the parents of two children.

THOMAS C. HONZEL - District Judge, 1st Judicial District. Born March 1, 1945 in Spokane, Washington. Came to Montana in 1946; Served in the U.S. Army; received a B.A. in English from Carroll College and J.D. from the University of Montana School of Law. Was engaged in the general practice of law and served as Deputy County Attorney for Lewis and Clark County. Elected to the bench November 1984. Wife's name is Mary and they are the parents of three children.

MICHAEL H. KEEDY - District Judge, 11th Judicial District. Born April 7, 1943 in Falls City, Nebraska. Came to Montana in 1974. Attended the University of Nebraska, received a B.A. in Political Science from Earlham College and J.D. from Washington University School of Law. Served in the Montana House of Representatives 1979-1981. Elected to the bench in 1982 and 1988. Wife's name is Carol and they are the parents of two children.

ROBERT S. KELLER - District Judge, 19th Judicial District. Born December 5, 1927 at Bellefonte, Pennsylvania. Served in U.S. Army. Received B.A. from Penn State University and LL.B and J.D. from the University of Utah. Engaged in the general practice of law. Elected District Judge, 11th Judicial District 1968 and served until May 1976. Appointed District Judge of the 19th Judicial District April 1988. Wife's name is Susan and they are the parents of two children.

JEFFREY H. LANGTON - District Judge, 21st Judicial District. Born April 22, 1953 at Hamilton, Montana. Received a B.A. in History in 1975 from the University of Montana and J.D. from the University of Montana School of Law. Engaged in the general practice of law in Hamilton, Montana with emphasis in real estate, civil and criminal trials, domestic relations, and water rights. Served as Acting Justice of the Peace for Ravalli County from 1988-1992. Elected to the bench in 1992. Wife's name is Patricia L. Stanbery and they are the parents of three children.

JOHN W. LARSON - District Judge, 4th Judicial District. Born June 12, 1950 at Helena, Montana. Received B.A. in 1972 from Carlton College, Northfield, Minnesota and J.D. from the University of Puget Sound, School of Law, Tacoma, Washington in 1975. Engaged in general practice of law in Missoula. Served as U.S. Magistrate from 1988 to 1992, Missoula Division. Appointed to the bench March 18, 1993 by Governor Marc Racicot. Wife's name is Helena S. Maclay and they are the parents of two children.

TED O. LYMPUS - District Judge, 11th Judicial District. Born December 26, 1942 in Missoula, Montana. Received J.D. from the University of Montana. Engaged in the general practice of law until elected Flathead County Attorney in 1979. Appointed to the bench on April 20, 1992, by Governor Stan Stephens. Wife's name is Patsy, and they are the parents of two children.

DOROTHY McCARTER - District Judge, 1st Judicial District. Born February 5, 1947 in Watertown, New York. Came to Montana in 1977. Received a B.S. in Elementary Education from the University of Colorado and J.D. from the New England School of Law. Served as law clerk in the 1st Judicial District and as Assistant Attorney General. Appointed to the bench in October 1989 and is the first woman to serve as District Judge in the 1st Judicial District and the second woman to serve as District Judge in the State. Her husband's name is Mike and they are the parents of two children.

JOHN M. McCARVEL - District Judge, 8th Judicial District. Born June 6, 1921 in Anaconda, Montana. Served in the U.S. Navy. Received B.A. from Carroll College, attended the University of Notre Dame and received a J.D. from the University of Michigan. Engaged in the general practice of law and served as County Attorney for Deer Lodge County. President of the Montana Judges Association 1986. Appointed to the bench January, 1979 and has served continually since his appointment. Wife's name is Corintha and they are the parents of five children.

THOMAS McKITTRICK - District Judge, 8th Judicial District. Born January 7, 1944 in Anaconda, Montana. Received a B.A. in Political Science from Carroll College in 1966 and studied law at Gonzaga University School of Law. Engaged in the general practice of law and served as Deputy County Attorney for Cascade County. Appointed to the bench in December, 1983. His wife's name is Lisa and they are the parents of two children.

ED McLEAN - District Judge, 4th Judicial District. Born April 12, 1946 in Anaconda, Montana. Attended the University of Washington, received B.S. in Business and J.D. from the University of Montana. Chief Criminal Deputy for the Missoula County Attorney's Office. Appointed to the bench February 1989. His wife's name is Sandy and they are the parents of three children.

C. B. McNEIL - District Judge, 20th Judicial District. Born February 17, 1937 in Anaconda, Montana. Served as a pilot in the U.S. Army. Attended Montana School of Mines and received B.S. in Metallurgical Engineering, University of Alaska, J.D. University of Montana. Engaged in the general practice of law in Polson. Delegate, 1972 Montana Constitutional Convention. Elected to the bench 1984. His wife's name is JoAnn and they are the parents of two children.

RONALD D. McPHILLIPS - District Judge, 9th Judicial District. Born March 14, 1932 in Great Falls, Montana. Served in the U.S. Army 1952-

1954. Received a B.S. in Business Administration, Banking and Finance from University of Montana in 1956. Attended Valpariso University Law School and received a J.D. Degree from the University of Montana in 1960. Engaged in the general practice of law and was elected Toole County Attorney in 1960. Has served as District Judge since 1963. His wife's name is Bernice and they are the parents of three children.

JAMES E. PERCELL - District Judge, 2nd Judicial District. Born December 29, 1929 in Helena, Montana. Received a B.A. in Journalism from the University of Montana in 1952. Served in the U.S. Navy from 1952 to 1954. Received an LL.B. and J.D. Degree from the University of Montana in 1958 and 1970 respectively. Engaged in general practice of law from 1958 to 1990 when he was appointed by Governor Stan Stevens to serve the unexpired term of the late Arnold Olsen. Served on the Commission on Practice for 10 years prior to his appointment to the Bench. Wife's name is Mary Dawn and they have two children.

TED L. MIZNER - District Judge, 3rd Judicial District. Born October 21, 1948 in Deer Lodge, Montana. Received a B.S. in Business Administration-Accounting and J.D. from the University of Montana. Engaged in the general practice of law and served as County Attorney for Powell County. Appointed to the bench June, 1987. His wife's name is Gayle and they have four children.

LARRY MORAN - District Judge, 18th Judicial District. Born November 4, 1932. Engaged in the general practice of law. Received his law degree from the University of Colorado and was admitted to the practice of law in Montana in 1973. Appointed to the bench in September, 1989. Wife's name is Mona and they are the parents of two children.

THOMAS OLSON - District Judge, 18th Judicial District. Born May 30, 1938 in Glendive, Montana. Graduated from Montana State College in General Studies in 1960, and from the University

of Montana Law School in 1963. He served as a Law Clerk for Chief Justice James T. Harrison. He was assigned as Legal Officer in the U.S. Marine Corps, attaining the rank of Captain. In 1967 he entered the private practice of law in Bozeman, and was twice elected Gallatin County Attorney. From 1975 to 1977, Olson served as United States Attorney for Montana. He was elected District Judge in 1982 and 1988. His wife's name is Ann and they are the parents of three children.

RICHARD G. PHILLIPS - District Judge, 7th Judicial District. Born May 20, 1949 in Jersey City, New Jersey. Received a B.A. degree from St. Benedict's College in Atchison, Kansas in 1971 and J.D. from the University of Montana in 1976. Engaged in the general practice of law and served as City Attorney for the City of Sidney. Also served as Deputy County Attorney for Richland County prior to being elected to the bench in 1990. Wife's name is Jeannette and they are the parents of three children.

PETER L. RAPKOCH - District Judge, 10th Judicial District. Born September 15, 1925 in El Paso, Texas. Served in the U.S. Army 1944-1946 and in the Reserves 1949-1968. Received a B.S. degree in Political Science from Santa Clara University in 1953 and a LL.B from the University of Montana in 1957. Engaged in the general practice of law and served as Fergus County Attorney prior to being elected to the bench in 1982. Wife's name is Patricia and they are the parents of eight children.

BYRON L. ROBB - District Judge, 6th Judicial District. Born May 22, 1930 in Livingston, Montana. Served in the U.S. Army. Received a B.S. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law and served as County Attorney for Park County. Elected to the bench in 1982 and 1988. Wife's name is Jeannette and they are the parents of four children.

ROY C. RODEGHIERO - District Judge, 14th Judicial District. Born March 28, 1936 in Roundup, Montana. Received B.A. in Business Administration and J.D. from Montana State University. Engaged in the general practice of law and served as County Attorney for Musselshell County. Elected to the bench in 1982 and 1988. Wife's name is Janet and they are the parents of six children.

JOEL G. ROTH - District Judge, 8th Judicial District. Born June 6, 1929 in Billings, Montana. Served in the U.S. Army. Attended the University of Nebraska and received a B.A. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law, served as Deputy County Attorney for Cascade County, and with the United States Securities and Exchange Commission. Elected to the Office of Justice of the Peace in Cascade County. President of the Montana Judges Association, 1989. Elected to the bench 1976, 1982 and 1988. Widower and the father of one child.

JEFFREY SHERLOCK - District Judge, 1st Judicial District. Born April 3, 1950 in Great Falls, Montana. Received a B.A. and J.D. from the University of Montana. Served as City Attorney for the City of Helena and was engaged in the general practice of law. Elected to the bench November, 1988. Wife's name is Melissa and they have one child.

M. JAMES SORTE - District Judge, 15th Judicial District. Born February 22, 1931 in Plentywood, Montana. Served in the U.S. Air Force. Received a B.A. in Political Science and History and LL.B from the University of Montana. Engaged in the general practice of law and served as Assistant County Attorney and Assistant Attorney General. President of the Montana Judges Association, 1981. Appointed to the bench August 1969, and has served continuously since then. His wife's name is Anne and they are the parents of one child.

WILLIAM J. SPEARE - District Judge, 13th Judicial District. Born February 14, 1929 in Sioux City, Iowa. Came to Montana 1929. Served in the U.S. Air Force. Attended Montana State University and received LL.B from the University of Montana. Engaged in the general practice of law. Served as County Attorney for Yellowstone County 1959-1965 and in the Montana House of Representatives 1969-1971. Appointed to the bench in October, 1979, reelected in 1982 and 1988. His wife's name is Shirley and they are the parents of three children.

MARK P. SULLIVAN - District Judge, 2nd Judicial District. Born February 24, 1928 in Great Falls, Montana. Received a B.A. in Business Administration from the University of Montana and J.D. from Georgetown University. Served in the U.S. Marine Corps. Engaged in the general practice of law and served as County Attorney for Silver Bow County. Appointed to the bench in October 1980 and was reelected in 1982 and in 1988. He is the father of four children.

JOHN WARNER - District Judge, 12th Judicial District. Born January 22, 1943 in Great Falls, Montana. Attended the College of Great Falls, received a B.A. in History and Political Science and an LL.B from the University of Montana. District Delegate, Montana Officials Association; Past President, 12th Judicial Bar Association; Past President, State Bar of Montana. Elected to the bench 1988. His wife's name is Katherine and they are the parents of six children.

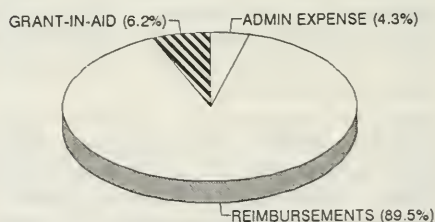
KENNETH R. WILSON - District Judge, 16th Judicial District. Born August 6, 1933 in Townsend, Massachusetts and came to Montana in 1959. Served in the U.S. Air Force. Received a B.A. in History from Clark University and an LL.B from Montana State University. Engaged in the general practice of law and served as Deputy County Attorney for Custer County and City Attorney for the City of Miles City. Elected to the bench in 1988. His wife's name is Joan and they are the parents of four children.

RETIRED JUDGES IN 1993:

JACK L. GREEN - District Judge, 4th Judicial District. Born May 18, 1922 in Kalispell, Montana. Served in the U. S. Army. Received a B.A. LL.B and J.D. from the University of Montana. Engaged in the general practice of law and served as a member of the City Council in Missoula, Montana. Appointed to the bench May, 1963, and has served continually until his retirement January, 1993.

LEONARD H. LANGEN - District Judge, 17th Judicial District. Born September 12, 1914 at Glasgow, Montana. Received BA in Economics and Sociology and LL.B and J.D. from Montana State University. Special Agent for FBI serving in Detroit, Indianapolis, New York City and Butte. Engaged in general practice of law at Glasgow in trial practice. President, Montana Judges Association, 1990. Elected to the bench in 1976, 1982 and 1988. Retired December 31, 1993.

DISTRICT COURT REIMBURSEMENT PROGRAM
FY 1993 EXPENSES



MONTANA JUDGE'S ASSOCIATION

The Montana Judge's Association was established to promote and foster the Court system and the laws of the State of Montana; to promote and foster the continued education of judges; and to provide a forum for the exchange of ideas and information useful to judges. Membership of the Association consists of currently serving Supreme Court and District Court Judges. Retired Supreme Court and District Court Judges are included as associate members. The association meets twice each year. Members receive CLE credits for seminars presented at the meetings.

Officers of the Montana Judge's Association for the term October, 1993 through October, 1994 are:

President	Mark P. Sullivan 2nd Judicial District
Vice-President	Douglas G. Harkin 4th Judicial District
Secretary	Roy C. Rodeghiero 14th Judicial District
Treasurer	Thomas Olson 18th Judicial District

CLERKS OF THE DISTRICT COURT

Clerks of the District Court maintain complete records of cases filed and proceedings conducted in the District Court within the county they represent. Minutes of daily court proceedings are maintained by the Clerk, who also keeps records of such matters as court orders and decrees, and a ledger of criminal cases. In addition, the Clerk issues marriage licenses and has administrative responsibilities in terms of jury selection, and keeps citizenship and naturalization records.

Most of the Clerks of the District Courts are partisan elected county positions and serve a four year term. If a vacancy occurs in the Office of the Clerk of the District Court, the vacancy is filled by appointment of the Board of County Commissioners.

The fees collected by the Clerks of the District Court are distributed under the provisions of Section 25-1-201, MCA. On a statewide average, about fifty-one percent of these collections remain in the county while forty-nine percent are transmitted to the State Treasurer and are distributed to various accounts such as the State General Fund, Judges Retirement, Battered Spouse Program, Big Brothers and Sisters, and Child Abuse and Neglect Trust Fund. Fees collected by the Clerks of the District Court in FY 1988 were \$1,816,041, FY 1989, \$1,710,715, FY 1990, \$1,764,093, FY 1991, \$1,947,489, FY 1992, \$2,121,387, and in FY 1993, \$2,342,171 in fees were collected.

MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT

The Montana Association of Clerks of District Court convened in Lewistown, Montana, on May 14-15, 1965, for an organizational meeting. The Association held its 25th anniversary meeting in June, 1990.

Eight districts have been formed throughout the State of Montana to enable clerks to meet twice a year to discuss mutual problems and ideals. The Association itself meets annually, usually in the county of the president, for their annual convention. By inviting guest speakers, holding workshops, and through discussions, the clerks have worked to standardize procedures and to become informed with new laws and techniques.

In 1973, a committee compiled the first handbook for Clerks of Court. The handbook is constantly being updated and through revisions is kept current. In 1976, the Clerks of Court began to actively work with the Court Administrator's Office.

The various committees of the association meet throughout the year to update the handbook, work on legislation as it pertains to the office, organize training sessions and works with and through the Court Administrator's Office to put on schools for the Clerks of Court.

In the fall of 1989, a program for certifying Clerks of Court was started. Over a three year period, a Clerk of the District Court gains credits toward becoming certified by attending the annual school, participating in conventions and participating in workshops.

It is the desire of the Montana Association of Clerks of District Court to help one another, to share knowledge and information, to constantly improve and to be better Clerks of Court in order to perform our jobs in a professional manner and to better serve the public.



Left to right, standing: Carole Carey, Treasurer, Dona Robson, Secretary, Lucille Briggs, President, Jerry Wing, Immediate Past President, K.D. Breuer, First-Vice President, and Ardelle Adams, Second Vice-President.

Officers of the Montana Association of Clerks of District Court for 1993-94 are:

President	Lucille Briggs Lincoln County
1st Vice President	Kathleen D. Breuer Missoula County
2nd Vice President	Ardelle Adams Dawson County
Secretary	Dona C. Robson Musselshell County
Treasurer	Carole Carey Carter County

STATEWIDE JUDICIAL INFORMATION SYSTEMS

The Statewide Judicial Information System (SJIS) is a computerized district court case history tracking system. The SJIS was implemented in July 1976 and was the result of both legislative and judicial desires to have timely and accurate statistical information on district court operations.

1991 was the last yearly report for the Statewide Judicial Information Reporting System. Budget cuts from the 1992 Special Session forced the Office of Court Administrator to shutdown the system and revert to a monthly form from which information can be compiled and reported.

District Court cases filed statewide in 1993:

Criminal	3,938	14.0%
Civil	11,410	42.0%
Dom. Rel.	5,828	21.0%
Adoption	712	3.0%
Sanity	685	2.0%
Juvenile	1,579	6.0%
Probate	3,210	12.0%
TOTAL	27,362	100.0%

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM AND GRANT-IN-AID PROGRAM

The Program, enacted by SB 25 and SB 142 during the regular session of the 1985 Legislature, created an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

The District Court Criminal Reimbursement Program reimburses counties for certain adult criminal expenses. The Program, as outlined by Section 3-5-901, MCA, covers the eligible expenses in the following five categories:

- * a percentage of Court Reporters' salaries
- * the cost of transcripts of eligible criminal proceedings
- * psychiatric examinations in criminal proceedings
- * witness and jury expenses of criminal proceedings
- * indigent defense expenses of criminal proceedings

The Program receives its revenue from a portion of the motor vehicle license tax.

In Fiscal Year 1991 the total reimbursement to counties for eligible criminal costs were \$2,526,927. In Fiscal Year 1992 the counties were reimbursed \$2,642,495, this amount was ninety-eight percent of the total requested eligible criminal costs making Fiscal Year 1992 the first year since the Program began, that one hundred percent of eligible requested reimbursements were unable to be reimbursed. In Fiscal Year 1993 \$2,936,973 were reimbursed to the counties, representing one-hundred percent of the total requested eligible criminal costs.

If, after all county reimbursements are made, there is a balance remaining then the balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above their maximum mill levy set by law for district court expenses. In Fiscal Year 1992, there were no grants awarded because the appropriation authority for the Program was fully expended on criminal reimbursements.

In Fiscal Year 1993 a balance remained from the Criminal Reimbursement Program of \$204,904. Counties requested \$1,612,739 in eligible expenditures. Grants were awarded to the following counties: Anaconda-Deer Lodge - \$11,470; Beaverhead - \$2,527; Carter - \$925; Cascade - \$20,095; Daniels - \$1,309; Flathead - \$20,221; Gallatin - \$14,622; Granite - \$515; Lewis and Clark - \$34,265; McCone - \$1,814; Mineral - \$727; Missoula \$71,291; Powell - \$7,037; Ravalli - \$1,111; Sweet Grass - \$480; Wheatland - \$3,138; and Yellowstone - \$13,357.

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM
TOTAL REIMBURSEMENT -- FY 93

COUNTY	COURT REPORTER	JURY SERVICES	WITNESS SERVICES	PSYCHIATRIC AMINATIONS	INDIGENT DEFENSE	TOTAL REIMB TO DATE BY ACTIVITY 100%
ANACONDA-DEER LODC	3,208.92	478.36	0.00	21,120.49	16,883.87	\$52,114.60
BEAVERHEAD	3,844.16	7,505.00	489.62	0.00	12,438.53	29,930.97
BIG HORN	1,537.80	0.00	269.41	1,060.00	32,651.52	44,398.41
BLAINE	1,628.40	3,115.11	275.90	0.00	16,774.25	27,242.08
BROADWATER	1,008.00	0.00	6,446.43	136.00	10,897.90	23,110.41
BUTTE-SILVER BOW	6,686.67	683.20	136.00	3,590.60	44,389.90	69,357.96
CARBON	1,320.00	0.00	42.88	0.00	4,798.02	7,701.12
CARTER	331.97	0.00	398.70	0.00	257.76	1,235.49
CASCADE	17,220.66	15,271.24	28,870.26	7,779.45	135,723.03	256,080.75
CHOUTEAU	1,982.24	1,971.81	128.13	0.00	5,507.57	11,987.18
CUSTER	7,510.43	2,435.68	181.68	9,419.79	38,573.92	70,792.02
DANIELS	86.73	0.00	0.00	0.00	0.00	108.41
DAWSON	4,405.74	1,277.72	943.03	1,724.00	21,868.40	37,773.63
FALLON	891.81	0.00	0.00	2,480.00	16,478.05	24,812.38
FERGUS	5,818.96	3,381.38	3,523.96	792.00	51,671.38	81,484.60
FLATHEAD	17,880.07	3,592.55	4,396.96	1,352.00	100,942.20	160,204.71
GALLATIN	13,321.32	20,933.78	52,132.50	4,250.00	117,704.87	260,428.12
GARFIELD	319.01	1,288.96	0.00	0.00	30.22	2,047.73
GLACIER	3,438.15	113.86	10,256.86	1,380.00	28,373.58	54,453.07
GOLDEN VALLEY	107.95	0.00	160.00	0.00	567.37	1,044.19
GRANITE	952.15	0.00	0.00	0.00	4,535.18	6,859.22
HILL	6,617.80	4,978.42	1,263.85	9,412.27	70,401.21	115,841.87
JEFFERSON	3,311.19	3,063.47	1,353.98	72.00	18,474.39	32,843.83
JUDITH BASIN	567.84	0.00	0.00	0.00	524.91	1,365.94
LAKE	6,027.40	3,498.58	386.32	4,881.09	48,832.09	79,531.87
LEWIS AND CLARK	9,789.92	2,986.48	259.33	6,231.07	66,186.51	106,816.61
LIBERTY	763.92	0.00	0.00	0.00	2,496.24	4,075.17
LINCOLN	9,120.00	9,203.64	10,606.14	10,351.36	137,156.46	220,547.06
MADISON	1,565.56	0.00	0.00	0.00	5,006.02	8,214.51
McCONE	652.86	0.00	0.00	0.00	1,569.96	2,778.53
MEAGHER	641.99	0.00	0.00	0.00	7,126.10	9,710.08
MINERAL	950.60	1,311.73	0.00	0.00	8,231.27	13,117.05
MISSOULA	32,747.35	19,936.37	11,067.91	26,411.60	163,856.55	317,524.72
MUSSELSHELL	2,898.39	3,310.07	846.44	0.00	14,558.49	27,016.71
PARK	4,486.50	6,210.53	1,832.27	0.00	13,893.43	32,668.45
PETROLEUM	218.40	0.00	0.00	0.00	0.00	273.00
PHILLIPS	1,738.80	0.00	0.00	1,090.00	9,322.02	15,188.53
PONDERA	1,088.14	961.28	3,233.45	8,407.06	10,621.74	30,389.56
POWDER RIVER	571.28	13.92	0.00	0.00	(18.56)	708.31
POWELL	2,860.19	0.00	0.00	0.00	16,439.99	24,125.18
PRAIRIE	391.72	0.00	0.00	0.00	41.60	541.65
RAVALLI	4,126.44	7,572.84	2,738.56	19,412.99	68,144.85	127,494.61
RICHLAND	4,828.14	4,436.29	735.36	2,020.00	31,859.50	54,849.15
ROOSEVELT	368.00	0.00	0.00	0.00	93.44	576.79
ROSEBUD	3,121.79	4,106.52	351.84	3,444.02	20,869.98	39,867.66
SANDERS	2,191.36	1,653.28	1,262.87	0.00	18,850.51	29,947.52
SHERIDAN	237.68	0.00	0.00	0.00	(3,187.40)	(3,687.14)
STILLWATER	744.24	0.00	0.00	1,760.00	5,265.65	9,712.35
SWEET GRASS	845.36	0.00	0.00	0.00	7,130.99	9,970.48
TETON	1,010.89	0.00	0.00	0.00	858.93	2,337.28
TOOLE	1,370.34	0.00	0.00	0.00	8,442.37	12,265.84
TREASURE	425.36	0.00	51.84	0.00	485.80	1,203.75
VALLEY	2,120.60	0.00	0.00	784.00	14,199.94	21,380.68
WHEATLAND	777.25	0.00	0.00	0.00	1,514.90	2,865.19
WIBAUX	290.16	0.00	0.00	320.00	1,113.02	2,153.97
YELLOWSTONE	25,198.60	19,939.20	9,951.16	19,186.81	213,395.80	359,589.47

GRAND TOTALS: \$228,167.20 \$155,231.27 \$154,593.64 \$168,868.60 \$1,644,826.22 \$2,936,973.28

COURTS OF LIMITED JURISDICTION

Montana's Courts of Limited Jurisdiction are by far the busiest Courts in the State. The courts reported handling an estimated 325,000 cases for Fiscal Year 1993. While the courts collected over \$12.2 million in revenue, an additional \$2.5 million is still owing in uncollected revenue for Fiscal Year 1993.

JUSTICE COURTS

Justice of the Peace Courts are Montana's major Courts of Limited Jurisdiction. Their original jurisdiction presently includes most civil cases where a recovery will not exceed \$5,000; all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, including all traffic cases; or concurrent jurisdiction with the District Courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months or both such fine and imprisonment. These Courts also exercise concurrent jurisdiction with the District Court in actions of forcible entry, unlawful detainer, and residential landlord-tenant disputes. They do not have jurisdiction over felonies except for initial appearances and preliminary hearings.

By law, there must be at least one Justice of the Peace Court in each of Montana's 56 counties, which must be located at the County Seat. A Justice of the Peace may be appointed by a City or Town Council to serve as City Judge. At present there are 75 Justices of the Peace (36 also serve as City Judge), and 54 City Judges.

Justices of the Peace are elected on a nonpartisan ballot for a four year term. Requirements for the Office of Justice of the Peace include United States citizenship and residency in the County where the Court is held for one year. Each elected or appointed Justice of the Peace is required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Justice of the Peace from office and creates a vacancy in that office. Since

1985 Justices of the Peace are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in the office of Justice of the Peace, a successor is appointed by the Board of County Commissioners.

CITY COURTS

Montana law allows the creation of City Courts. These courts have concurrent jurisdiction with Justice Courts for all misdemeanors punishable by a fine not exceeding \$500 nor exceeding six months imprisonment. City Courts exercise exclusive jurisdiction over municipal ordinances. In a town or third class city, the governing body may designate a Justice Court of the County to act as City Court.

City Judges are elected on a nonpartisan ballot for a four year term and must have the same qualifications as those required of a Justice of the Peace. Like Justices of the Peace and Municipal Judges, City Judges are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Judge and creates a vacancy in the office. City Judges are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in the office of City Judge the position is filled by the governing body of the City or Town.

MUNICIPAL COURT

Montana law allows for the creation of a Municipal Court for those cities that have a population of 10,000 or more. A Municipal Court may be established by City ordinance passed by a two-thirds vote of the governing body. In cities where a Municipal Court is established the office of City Judge is abolished. Presently, Missoula has the only Municipal Court in Montana.

While a Municipal Court Judge must have the same qualifications as a District Court Judge, they have the same jurisdiction as a Justice of the Peace. A Municipal Court Judge is elected for a four year term on a nonpartisan ballot. Training requirements for a Municipal Judge are identical to those for City Judges and Justices of the Peace. A vacancy in the Office of Municipal Judge is filled by appointment by the governing body of the City.

SPECIAL JURISDICTION COURTS

WATER COURT

Montana's Water Court was created by the 1979 Legislative Session in response to concerns that the existing program of water adjudication, which was set up under the 1973 Water Use Act, would take one hundred years to complete. The Legislature created the Water Court to "expedite and facilitate" the adjudication of existing water rights - those rights that were in existence prior to 1973. The Water Court has exclusive jurisdiction to interpret and determine existing water rights.

There are four water divisions in the State that are formed by the natural divides between drainage and the border of the State. The four major water divisions in Montana are the Yellowstone River Basin, the Lower Missouri River Basin, and the Upper Missouri River Basin and the Clark Fork River Basin.

The Chief Water Judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nominations Commission, and serves a four year term. Water Judges are designated for each water division by a majority vote of a committee composed of the District Judge from each single judge judicial district, and the Chief District Judge from each multiple judge judicial district.

Six Water Masters and three Clerks are employed by the Water Court. The Water Judges and

Masters conduct hearings and make decisions concerning any objections made to a temporary preliminary or preliminary decree of water rights. The Clerk of the Water Court and her deputies function in a manner similar to the Clerk of the District Court.

Funding for Water Court is derived from various special revenue sources which include coal tax money, resource indemnity trust money and various other sources of bond and income revenues.

The work of the Water Court was slowed by litigation concerning the Court's role in its adjudication of the State's pre-1973 water. However, out of the 85 basins within the State of Montana, 6 basins have final decrees, 6 basins have preliminary decrees and 35 basins have temporary preliminary decrees. The 1989 Legislature required the Water Court to reopen and review all preliminary or final decrees, including the Powder River Basin.

The adjudication of federal reserved water rights is suspended until 1999 while the State of Montana and the federal and tribal authorities negotiate a compact regarding federal reserved water rights. The State of Montana and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation entered into a Compact in 1985 and the State of Montana and the Northern Cheyenne Tribe of the Northern Cheyenne Reservation entered into a Compact in 1991. The State of Montana and the United States of America, National Park Service, entered into a Compact in 1993. These Compacts quantified the reserved water rights of the tribes and certain National Park Service lands and were approved by the Montana Legislature.

The total number of claims decreed is 99,957 out of a total of 216,443 in the entire State leaving 116,486 claims yet to be adjudicated. The Clarks Fork Yellowstone River Basin Temporary Preliminary Decree was issued in June, 1993. The Court is continuing to hear cases in the basins that have already been decreed.

WORKERS' COMPENSATION COURT

The 44th Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975 to adjudicate disputes arising out of the workers' compensation and occupational disease benefit programs. The Workers' Compensation Court has exclusive jurisdiction to make original determinations in disputes involving payment of workers' compensation benefits under Title 39, Chapter 71 and to judicially review administrative agency decisions made under Title 39, Chapters 71 and 72.

To accomplish legislative intent, the Office of the Workers' Compensation Judge is organized and functions in much the same manner as a district court, except that it follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that statutory and common law rules of evidence apply.

The Workers' Compensation Judge is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission, and serves a six year term. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. Effective January 1, 1990, the Office of the Workers' Compensation Judge is assigned to the Department of Labor and Industry for administrative purposes only.

ADMINISTRATION OF THE JUDICIAL SYSTEM

The Constitution of the State of Montana charges the Supreme Court with the ultimate responsibility for the efficient and effective operation of the judicial system. The Constitution gives the Supreme Court "general supervisory control over all other courts" and allows the Supreme Court to make rules governing appellate procedure, practice

and procedure for all other courts and to regulate admission to the bar and conduct of attorneys.

To assist the Court in fulfilling its administrative and supervisory duties, the Supreme Court relies on presiding District Court Judges, the Office of Court Administrator, the Clerk of the Supreme Court, and various boards and commissions. The activities of these offices and boards and commissions during calendar year 1993 are highlighted below.

OFFICE OF THE COURT ADMINISTRATOR

In October 1975, The Supreme Court established the Office of Court Administrator to assist the Court with its administrative duties. The Legislature made the office statutory in 1977 (3-1-701). The Court Administrator is appointed by the Supreme Court and holds the position at the pleasure of the Court.

The Office of the Court Administrator assists the Supreme Court in preparing and presenting judicial budget proposals to the Legislature, monitoring and managing the judicial budget, coordinating judicial education services, and providing central staff services to the court, various boards and commissions, Law Library, to District Courts, and the Water Court.

The Office of the Court Administrator is also assisting District and Limited Jurisdiction Courts with automation projects. In 1991 the Office administered a program of grants to 26 courts that provided hardware and software for various elements of court business. In 1992 the Office installed and trained approximately 300 users in office automation, this automation included word processing, as well as, court case management system developed during 1991 and 1992.

The District Court Criminal Reimbursement and Grant-in-Aid Program in 1993 was able to reimburse 100 percent of the requested claims for criminal reimbursement. However, the total approved requests eligible for district court grant-in-

aid from all participating counties totaled \$1,612,739, the money available for grants was only \$204,904 or .1271 percent of the adjusted requests. Each grant request was prorated on the basis of this percentage. The Office established procedures to make more timely the year end distribution and grant payments. During the Legislative Special Session of July 1992, the program was changed to pay for criminal psychiatric examinations previously paid by the Department of Institutions. This is an increase cost to this program. The amount not covered will need to be covered by the local county.

The Court Administrator's Office coordinated in 1993 two District Court conferences and participated in the annual Five State Judicial conference held in Bismark, North Dakota for the states of Idaho, Montana, North and South Dakota, and Wyoming. The Office also coordinated two Courts of Limited Jurisdiction conferences that gave 36.75 hours of State Bar certified CLE instruction.

JUDICIAL AUTOMATION

The Montana Supreme Court has been expanding automation. The Office of the Court Administrator currently supports 300 users on 16 local area networks and numerous standalone workstations in over 31 counties. The majority of these systems conform to the Montana Supreme Court Order which mandated standards for all court automation. This standards effort has enhanced the procurement, installation and support of these systems. Close working relationships have been developed and maintained with local elected officials in the funding and acquisition of these systems.

Except in jurisdictions where local technical expertise exists, Court Services technical support personnel plan, propose, order, configure, ship and install all hardware, software and network components. Training is provided at installation, with follow-up sessions as required. Word processing, spreadsheet, productivity tools, data security, data backup/recovery and virus protection are provided. Standard court documents are

provided for immediate use. Other documents are designed as needed.

After a site becomes familiar with the new automation environment, case management database software developed by the Office of the Court Administrator is installed. The package consists of civil case and fee management modules. Automated jury selection is also available. A robust citations management database system has been developed and is undergoing on site testing by Courts of Limited Jurisdiction in Montana.

Future goals for the Automation Program are a continued growth in the level of automation within Montana's court system to address growing workloads and continued restrictive budgets. The courts adoption of automation standards will minimize system incompatibilities and reduce technical support requirements and cost. Expansion of the current user base is expected to continue, both in networked workstations and standalone units. Expanded use of telecommunications products for remote technical support will reduce travel requirements for technical personnel and enhance system reliability. Opportunities to exploit statewide resources such as the State Data Network will be pursued where funding is available from local or state sources. Development of case management modules for criminal cases is planned. Installation of the current civil case management, fee management and jury selection software will continue. Installation of the first phase of the citations system will begin in the near future. User training will continue to play a major role in the court automation program.

Foster Care Citizens' Review Panel - Pilot Program

The 1993 regular Legislative Session, under a bill sponsored by Senator Judy Jacobson, enacted SB 271, to place a \$113,000 new program with the Court Administrator's Office. This program would start citizen staffed and trained local review panels to review foster care placements in pilot sites around the State of Montana.

SB 271 requires that the Court Administrator's Office be part of a selection committee to decide among interested judicial districts, which ones will be pilots. After the selection, the Administrator's Office will fund the local district in its pilot panel efforts up to the appropriation.

Because of the pending 1993 Special Legislative Session, the Foster Care Citizens' Review Panel was not started in 1993.

CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court is a sworn public servant, who, historically by constitutional and statutory authority controls the filings and provides the public with access to the Supreme Court. The Clerk also serves as the custodian of all legal records and documents for the Court and the public. The Clerk of the Supreme Court is the structural hub around which the judicial process revolves. Since 1865, when the clerk of the supreme court position was established in this state, the office has served as the direct link between the public and the Supreme Court. The Clerk ultimately controls the flow of information to and from the Court while assisting the Court, the legal community and the public in processing appeals and original proceedings from the early filing stages through final disposition. The Clerk is elected on a partisan ballot in a statewide election to a six-year term. The current Clerk of the Supreme Court is Ed Smith of Helena.

In calendar year 1993, the Clerk's Office docketed 659 cases, the largest number of cases filed in the Supreme Court's history. This caseload comprised a total of 439 civil cases and 220 criminal case filings. During the fiscal year 1993, the office collected \$189,467 in fees and tax revenues for the state. This amount was comprised of \$26,725 in Court fees, bar administration and examination fees of \$88,122, and \$72,435 in attorney license taxes. By contrast, the Clerk's office spent a total of \$167,269 in total expenditures for fiscal year 1993.

The Clerk manages a staff of three individuals, consisting of one deputy clerk and two assistant clerks. The office has remained the same size since 1979 and has continued to manage an increasing caseload under a very tight budget.

Primary responsibilities of the Office of the Clerk are specified in the Montana statutes, and consist of processing all documents relative to Supreme Court appeals and petitions for the various writs, including writs of supervisory control, habeas corpus and mandamus, which are filed with the Court. The office also provides the Court with a weekly status report of pending cases.

Additional duties include bar administration and attorney additions, the preparation of minutes of all oral arguments, collecting the annual attorney license tax for more than 3,000 attorneys, and maintaining the roll of Montana attorneys. Certificates of Good Standing and Certificates of Admission are issued by the Clerk, who also has an integral role in the bar admission process.

The office of the Clerk utilizes an automated docketing system using personal computers with a unique word processing program. The Clerk is presently working on updating the automated docketing system to allow for tracking of important Supreme Court statistics, as well as providing the judicial personnel and the public with a more efficient way of following the appellate process. In addition to an automated docketing program, the office also utilizes an automated system for processing attorney license taxes and maintaining a roll of current attorneys.

STATE LAW LIBRARY

The State Law Library has continued to add electronic resources to its other, traditional services. The generous contribution by State Farm Insurance Companies of a dedicated computer and laser disk reader has enabled the Library to use the many compact disks that are now available particularly those distributed by the Federal Depository Library

Program. More online databases are available, and the number of online research requests from customers doubled from the previous year. The Library's automated catalog continues to be very popular. It was searched more than 10,000 times, including searches done on remote computers around the state.

Staff members also rely on electronic mail and bulletin boards posted on the Internet information highway to communicate with other law libraries around the world. The Director of the Law Library participated in the Conference on the Future of Federal Government Information in November, when 150 librarians and information professionals from around the United States gathered to discuss advances in the production and dissemination of electronic federal information and the budgetary pressures and related organizational issues facing all libraries and disseminators of government information. It was consequential for a Montanan to participate in the articulation of a new vision of how the dissemination of Federal government information could be managed in the future.

Despite the excitement about electronic formats, most of the Library's resources and services are still measured by traditional volume count. For example, the Law Library now has over 120,000 volumes. 17,000 books were reshelfed by Library staff, 1/3 of which had been checked out of the Library by customers. 12,000 pieces of microfiche were added. 6,500 pages were faxed to customers, and another 39,000 photocopied and mailed. The number of copy requests went up by 8% from the previous year. This figure has doubled in the past 10 years, as had the number of books circulated. The size of the Library's staff, however, is the same as 1983.

The Law Library was used by more than 22,000 people during 1993. 1,200 visits were by researchers who took advantage of extended hours by using the Library during the evening or weekend. More than 100 attorneys and paralegals attended classes taught by the reference librarian on federal statutory and administrative research. Other

staff members taught classes on legislative process and intent to legislators and their staffs, and judicial structure and process to high school students. The technical services librarian now serves on the statewide Library Services Advisory Council. The Law Library continues to search for ways of extending its resources and its staff's expertise to as many Montanans as possible, regardless of where they live.

ADVISORY BOARDS AND COMMISSIONS OF THE SUPREME COURT OF MONTANA

The Supreme Court utilizes the services of several boards and commissions in order to discharge its general administrative and supervisory responsibilities delegated by the Constitution. The various boards and commissions are charged by the Court to address specific issues or areas of expertise and to report problems and recommendations to the Supreme Court.

The activities of the advisory boards and commissions during the 1993-94 biennium are summarized below.

JUDICIAL NOMINATION COMMISSION

The Judicial Nomination Commission, created under 3-1-1001, MCA, is charged with the responsibility of providing the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court, District Court, or Workers Compensation Court, and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the Chief Water Judge. The Commission is composed of seven members: four lay members from different geographical areas of the state who are appointed by the Governor; two attorneys, one from each congressional district, appointed by the Supreme Court; and one District Judge who is elected by District Judges from around the state. Commission members serve a

four year term and are not eligible for nomination to a judicial office during their term on the Commission or for one year thereafter.

When a vacancy occurs on the Supreme Court or in a District Court, the Commission is required to meet and within 30 days after the vacancy has been verified by the Chief Justice, and submit to the Governor a list of not less than three (nor more than five) nominees for appointment. The same process is true for a vacancy in the Office of Chief Water Judge, except that the nominees are made to the Chief Justice for eventual appointment. The Governor and Chief Justice are limited to making appointments from the list of nominees submitted by the Judicial Nominations Commission.

If the Governor fails to nominate within 30 days after receipt of a list of nominees, the Chief Justice (or acting Chief Justice) makes the nomination.

The Commission meets as necessary when a vacancy occurs or a term expires. The Commission met once in calendar year 1986, four times in calendar year 1987 and twice in calendar year 1988. In 1989 the Commission met a total of six times, once to nominate to fill a vacancy on the Supreme Court (Gulbrandson/Barz) four times to nominate to fill vacancies on the District Court (Wheelis/McLean; Gary/Moran; Loble/McCarter and Barz/Colberg) and once to nominate for the position of Chief Water Judge. W.W. Lesley was appointed to a second term. In 1990 the Commission met twice, once to nominate to fill a vacancy as Chief Water Judge (Lessley/Loble) and once to nominate to fill a vacancy on the District Court (Olsen/Purcell). In calendar year 1991 the Nomination Commission met once to fill a Supreme Court vacancy (Barz/Gray). The Nomination Commission met once in calendar year 1992 to nominate to fill a vacancy on the District Court (Erickson/Lympus).

The Judicial Nomination Commission met five times in calendar year 1993. Once to nominate to fill a vacancy on the Supreme Court (McDonough/Nelson), once to nominate to fill the

vacancy of Workers' Compensation Judge (Reardon/McCarter), twice to nominate to fill vacancies on the District Court (Green/Larson; and (Langen/McKeon). And, the Commission met once to nominate for the position of Chief Water Judge. C. Bruce Loble was appointed to a second term.

SENTENCE REVIEW BOARD

Anyone sentenced to a year or more in the Montana State Prison may request judicial review of the sentence. Applications for sentence review must be made within sixty days from the date the sentence was imposed.

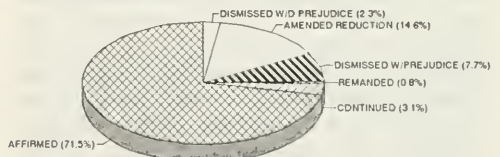
The Sentence Review Division of the Supreme Court consist of three District Court Judges appointed by the Chief Justice for three-year terms. The Chief Justice designates one of the Judges as chairman.

The Sentence Review Board meets at least four times each year in the Administrative Building at the State Prison in Deer Lodge. (MCA, 46-18-901).

The workload of the Sentence Review Board has increased steadily in the past few years. One-hundred and one applications were filed with the Board in 1985, 128 in 1986, 140 in 1987, 159 applications in 1988, 148 in 1989, 162 in 1990, and 149 in 1991, and 180 in 1992.

In 1993 the Board reviewed 130 cases: 93 cases were affirmed; 3 cases were dismissed without prejudice; 19 cases were amended reduction; 10 cases were dismissed with prejudice; 1 case was remanded; and, 4 cases were continued.

SENTENCE REVIEW BOARD
FY 1993 DECISIONS



COMMISSION ON UNAUTHORIZED PRACTICE

The investigation of complaints alleging that a person is practicing law without having been admitted to the bar is the responsibility of the Commission on Unauthorized Practice. The Commission was created by the Supreme Court on June 30, 1976. Investigations of unauthorized practice originally had been the responsibility of the Commission on Practice.

The Commission on Unauthorized Practice is made up of five members appointed by the Supreme Court for two year terms. The Commission meets when necessary to investigate complaints of unauthorized practice of law.

COMMISSION ON COURTS OF LIMITED JURISDICTION

Two years after the adoption of a new Constitution, the Supreme Court established the Commission on Courts of Limited Jurisdiction to assist in setting general policies for Limited Jurisdiction Courts. The Commission was charged with preparing a set of rules of practice and procedures designed to carry out the principles of the 1972 Constitution and to improve and make court practices uniform throughout the state. The Commission was also charged with studying the limited jurisdiction court system and making recommendation to the Supreme Court for improvements.

Originally, the Supreme Court appointed eight to the Commission for an indefinite term.

The Supreme Court re-established the Commission in August, 1976, with a new emphasis on continuing education for limited jurisdiction judges. Currently, the Commission holds ten meetings each year and conducts two annual training sessions for all elected and appointed Justices of the Peace and City Judges. In calendar year 1986, Judges of the Courts of Limited Jurisdiction received 37.5 hours of training and in calendar year 1987, 33.75 hours of training was conducted. The Judges received

47.75 hours of training in calendar year 1988, and 42.75 hours of training was given in 1989. In calendar year 1990 Judges of the Courts of Limited Jurisdiction received 50.5 hours of training. In calendar year 1991 the Judges received 34.5 hours of training. In calendar year 1992 29.5 hours of training with the new judges receiving an additional 3.5 hours of training. In calendar year 1993 the Judges received 36.75 hours of training. All City Judges, Municipal Judges and Justices of the Peace are required to attend the two training sessions per year.

The current Commission consists of ten members appointed by the Supreme Court for four year terms. Membership on the Commission is represented by one district judge, one city attorney, one county representative, one State Bar representative, one city judge representing a small community, one city judge representing a large community, one justice of the peace representing a small community, one justice of the peace representing a large community, one member at large, and the President of the Montana Magistrates Association. A Supreme Court Liaison also sits on the Commission as a non-voting member.

BOARD OF BAR EXAMINERS

The Board of Bar Examiners is responsible for conducting the licensing examination for attorneys who wish to practice law in the State of Montana. In 1993 there were over 3000 attorneys licensed to practice law in Montana.

The Board of Bar Examiners is appointed by the Supreme Court. Terms of the Board members are permanent, however, the Supreme Court may release, dismiss, or remove any member of the Board and appoint other members in his or her stead at any time. The Supreme Court Administrator serves as the Board's Administrator.

The Board of Bar Examiners conducts the examination of applicants for admission to the bar. The Board performs such duties and renders such

assistance in the examination of applicants as may be prescribed by the Supreme Court.

The Board offers one examination per year. The Multistate Bar Examination given on the last Wednesday of July is followed by the Montana Essay Examination on the following Thursday and Friday. Applicants are examined on their legal ability, and character and fitness to practice law. The Montana State Bar Examination consists of a one day Multistate Bar Examination and a one and one-half day Montana Essay Examination.

COMMISSION CONCERNING RULES OF ADMISSION TO THE PRACTICE OF LAW IN THE STATE OF MONTANA

A Commission Concerning Rules of Admission to the Practice of Law in the State of Montana was created by Court Order of the Supreme Court on June 18, 1985. The Commission was instructed to study the Court's existing rules on admission to the practice of law and to make recommendations to the Supreme Court as the Commission deems appropriate.

Membership on the Commission is represented by two non-lawyers, one District Judge, one member of the Board of Bar Examiners, and seven members of the State Bar of Montana.

Members of the Commission are appointed by the Supreme Court for an indefinite term.

COMMISSION ON RULES OF EVIDENCE

The Supreme Court established the Commission on Rules of Evidence by Order Number 12729 on April 5, 1974. The Commission on Rules of Evidence was instructed to study the present Code of Evidence and the practice thereunder, together with other developments and proposals in the field of evidentiary law and to make recommendations from time to time, for appropriate revision of the Code of Evidence.

The Commission on Rules of Evidence is made up of 13 members who are appointed by the Supreme Court for an indefinite term.

ADVISORY COMMISSION ON RULES OF CIVIL AND APPELLATE PROCEDURE

The Advisory Commission on Rules of Civil and Appellate Procedure was established by Order of the Supreme Court on February 15, 1983. The Commission is charged with analyzing changes in the Federal Rules of Civil Procedure to determine

DATE OF EXAM	NUMBER OF APPLICANTS	NUMBER SUCCESSFUL	PERCENT SUCCESSFUL
2-83	24	17	71
8-83	38	32	84
2-84	31	23	84
7-84	98	81	83
2-85	39	22	56
7-85	125	108	86
2-86	34	20	59
7-86	119	85	71
2-87	46	33	72
7-87	90	87	97
2-88	25	17	68
7-88	89	78	88
2-89	22	16	73
7-89	80	73	91
2-90	25	19	76
7-90	97	85	88
2-91	25	17	68
7-91	78	62	79
7-92	117	104	89
7-93	115	98	85

whether further modifications of the Montana Rules of Civil Procedure and the Montana Rules of Appellate Procedure should be adopted. Modifications are necessary from time to time in order to coordinate with federal rules and procedural changes. The goal is to keep current with developing changes and to promote speedy resolution of litigation.

The Advisory Commission meets periodically to review rules and make recommendations to the Supreme Court for necessary modifications.

The eleven member Commission is appointed by the Supreme Court for an indefinite term.

DISCIPLINARY BOARDS

COMMISSION ON PRACTICE

The Commission on Practice is responsible for examining complaints alleging unethical conduct by Montana attorneys.

The Supreme Court established the Commission by Order dated January 5, 1965. Besides receiving and investigating complaints of alleged misconduct, the Commission also has the responsibility for investigating and reporting on the merits of any petition for reinstatement to the practice of law.

The 1965 Order establishing the Commission on Practice called for the appointment of eight attorney members, one from each region established in the Order. The Supreme Court appointed members from a list of three nominees submitted from each area. On August 22, 1979, the Supreme Court enlarged the Commission from eight to eleven members. The three additional members are non-attorneys. They are appointed at large by the Supreme Court. All members of the Commission on Practice serve a four year term.

The Commission's caseload has increased significantly in the last few years. The Commission received 147 complaints in 1985, 165 complaints in 1986, 192 complaints in 1987, 194 complaints in 1988, 213 complaints in 1989, 227 complaints in 1990, 265 complaints in 1991, 249 complaints in 1992, and in 1993 the Commission received 250 complaints.

SUMMARY OF COMMISSION ON PRACTICE COMPLAINTS FOR CALENDAR YEAR 1993	
Number of Complaints Filed for the Period.....	250
Number of Complaints Pending at the End of 1992....	180
Total.....	430
Dismissed by Commission.....	211
Written Private Reprimand (by COP).....	40
Oral Private Reprimand ... (by COP).....	2
Private Censure..... (by Sup Ct).....	1
Public Censure..... (by Sup Ct).....	1
Suspension.....	4
Disbarment.....	0
Investigation Pending.....	27
Complaints Pending as of 12/31/93.....	144
Total.....	430

JUDICIAL STANDARDS COMMISSION

Article VII, Section 11 of the Montana Constitution directs the Legislature to create a five member Judicial Standards Commission empowered to investigate complaints against any judge and to hold hearings concerning the discipline, removal, or retirement of any judge. The Commission is attached to the Supreme Court for administrative purposes only. The work, investigations, and recommendations of the Commission are entirely independent of the Supreme Court.

Whenever the Commission makes a recommendation to the Supreme Court concerning discipline or removal of a judicial officer, the Court may take appropriate action concerning the recommendation. The Supreme Court may censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of canons of judicial ethics adopted by the Supreme Court of the State of

Montana, or habitual intemperance. In addition, the Supreme Court may retire any justice or judge for a permanent disability that seriously interferes with the performance of his or her duties.

The Judicial Standards Commission is a five-member body consisting of two district judges from different judicial districts who are elected by all the district judges; one attorney who has practiced law in the state for at least ten years, appointed by the Supreme Court; and two citizens from different congressional districts who are not attorneys or judges, active or retired. These two members are appointed by the Governor. Members of the Judicial Standards Commission serve a four year term.

The Commission meets quarterly to consider complaints. The Commission received 12 complaints in 1985, 11 complaints in 1986, 37 complaints in 1987, 35 complaints in 1988, 37 complaints in 1989, 30 complaints in 1990, 34 complaints in 1991, 57 complaints in 1992, and 29 complaints were filed with the Commission in 1993.

SUMMARY OF JUDICIAL STANDARDS COMMISSION
COMPLAINTS FOR CALENDAR YEAR 1993

Number of Complaints Filed for the Period.....	29
Number of Complaints Pending at the End of 1992...	16
Total.....	45
Dismissed by Commission.....	27
Written Private Reprimand.....	6
Oral Private Reprimand.....	0
Suspension.....	0
Removal from Bench.....	0
Disciplinary Proceedings Instituted and Pending...	0
Complaints Pending as of 12/31/93.....	12
Total.....	45

STATE BAR OF MONTANA

HISTORY AND PURPOSE OF THE ASSOCIATION

The State Bar of Montana was created by order of the Montana Supreme Court in January, 1974. In its Order, the Court provided that all persons practicing law in the state were obliged to be members of the State Bar. Prior to that date, the State had a voluntary bar association -- the Montana Bar Association.

The purposes of the State Bar are to aid the courts in maintaining and improving the administration of justice; to foster, maintain and require on the part of attorneys, high standards of integrity, learning, competence, public service, and conduct; to safeguard proper professional interests of members of the bar; to encourage the formation and activities of local bar associations; to provide a forum for discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public; to provide for the continuing legal education of members of the Bar and to insure that the responsibilities of the legal profession to the public are more effectively discharged.

GOVERNANCE

The State Bar is governed by a 20-member Board of Trustees. Sixteen members of the Board are elected by the active members of the Bar to two-year terms from State Bar areas. State Bar areas are made up of one or several judicial districts. The other four Board members are the President and President-Elect, who are elected statewide to one-year terms, the Secretary-Treasurer, who is elected statewide to a two-year term, and the Immediate Past President.

ACTIVITIES AND PROGRAMS

Major activities and programs of the State Bar include:

A program of Mandatory Continuing Legal Education, requiring active members of the state Bar to secure 15 hours of continuing legal education each year.

A Client Security Fund which makes restitution in cases where an attorney has improperly appropriated client funds. Twenty dollars of each active member's dues is earmarked for this program. Since its inception through December 31, 1993, about \$400,000 in restitution has been paid by the Client Security Fund.

A Lawyer Referral Service, which allows members of the public to identify a lawyer who can help them with their particular legal problem. The Service receives about 4,000 calls and makes approximately 3,000 referrals each year.

A fee Arbitration Program to settle fee disputes between an attorney and a client short of litigation.

Publication of information pamphlets for the general public on a wide variety of legal subjects, including marriage and divorce, landlord-tenant law, small claims court, rights of clients, wills and probate, etc.

Character and fitness reviews to determine if applicants for admission to the State Bar possess the necessary traits of character and fitness for the practice of law.

Provision of direct financial support for legal services to the poor through the Montana Law Foundation.

A variety of services to its members, including continuing legal education seminars and legal publications.

MEMBERSHIP DATA

As of December 7, 1993, State Bar membership totaled 3,218. Of this number, 2,409 are in-state members and 719 are out-of-state members. Of the same total, 2,513 were active members, 494 were inactive, and 92 had judicial status.

FINANCIAL INFORMATION

Annual dues are \$120 for active members and \$50.00 for inactive members. Judicial members do not pay dues while serving on the bench. (These assessments are in addition to the \$25 paid to the Clerk of Court for the statutory lawyer license fee.)

Dues income constitutes the major source of income to the State Bar. Other revenue sources include income from State Bar sponsored continuing legal education programs and the sale of publications.

PRESIDENTS OF THE ASSOCIATION

Past presidents of the State Bar of Montana are as follows:

1975-76	Marshall H. Murray	Kalispell
1976-77	Thomas H. Mahan	Helena
1977-78	Bruce R. Toole	Billings
1978-79	Theodore K. Thompson	Havre
1979-80	L. Morris Ormseth	Great Falls
1980-81	Robert D. Corette	Butte
1981-82	Alexander A. George	Missoula
1982-83	Ward A. Shanahan	Helena
1983-84	Sandy McCracken	Great Falls

1984-85	Douglas A. Wold	Polson
1985-86	George C. Dalthorp	Billings
1986-87	Terry N. Trieweiler	Whitefish
1987-88	John A. Warner	Havre
1988-89	Max A. Hansen	Dillon
1989-90	Gary L. Spaeth	Red Lodge
1990-91	Damon L. Gannett	Billings
1991-92	James W. Johnson	Kalispell
1992-93	Sherry S. Matteucci	Billings
1993-94	Robert M. Carlson	Butte



State Bar of Montana Board of Directors

THE UNIVERSITY OF MONTANA SCHOOL OF LAW

The University of Montana School of Law, founded in 1911, is the oldest professional school at the University of Montana. [The second professional school to be established at Montana State University (now University of Montana), the Law School was antedated only by the School of Engineering, which was transferred to Montana State College (now MSU) in 1913.] While the creation of a law school had been contemplated in the 1893 Act establishing the University of Montana, the founding of the Law School was made possible by a gift from the widow of William Wirt Dixon, a well known and respected Montana lawyer. Mrs. Dixon's gift spurred the Legislature to enact a bill establishing the Department of Law.

From an enrollment of 17 in the first year of its existence, the School of Law grew steadily until 1970 when the law faculty voted to cap admissions to the first year program at 75. Since 1970, the number of applications for admission to the Law School has far exceeded the number of positions available in the first year class. For example, over five hundred applications were received for positions in the law class which entered in September of 1992.

In voting to limit to 75 the number of entering students, the law faculty also grants a preference in admissions to Montana residents. In 1993, the law school received a record number (607) of applications.

Although the Law School ranks among the smallest ABA approved law schools in the nation, its student population is diverse. Typically, some thirty undergraduate institutions are represented in each entering class. The average entering age of law students today is approximately 30. As this statistic suggests, many students enter law school after engaging in other careers.

While the first woman was admitted to the Law School in 1913, it was not until the mid-1970's that women began applying to the Law School in large numbers. Since the early 1980's women have comprised between 30-45% of the student population. Twenty-one of the 75 students who began their law studies in September 1993 are women. This law school's Admission's Committee is studying ways to increase the number of women enrolled at the school.

Native American enrollment constitutes approximately 5% of the student population. The Law School's commitment to a strong Indian Law Program accounts in no small part for the relatively large enrollment of Native American students. In addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as a part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides Indian and non-Indian law students the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

During the last decade the law faculty have been engaged in an ambitious project to design and implement a curriculum which will prepare our graduates for the demands of modern law practice. To that end, the law faculty developed one of the most ambitious legal writing and professional skills programs in the country, designed an innovative introductory program for first year students, established a first-year law firm program, and developed teaching materials which integrate theory and practice. As a part of this curriculum project, the faculty are in the process of identifying what knowledge and skills every graduate should possess; what transactions every graduate should be competent to handle; and what personal qualities every graduate must develop to be an effective and responsible lawyer.

The curriculum evolving from these efforts has attracted national attention. For example, the October 1990 issue of Prentice Hall's publication **Lawyer Hiring and Training Report** profiled three law schools considered to be the most innovative law schools in the nation. University of Montana School of Law is one of those three! The Law School was one of the small number of law schools whose curricular efforts were featured at the 1991 Association of American Law School's annual meeting in Washington, D.C. The August 1992 report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap cites the University of Montana School of Law curriculum efforts.

The Law School's emphasis in recent years on the integration of theory and practice has undoubtedly been an important factor in the School's remarkable record in various regional and national law school competitions. In 1992 the Law School's trial advocacy team won the national championship and placed second in the nation in 1989. In 1991, the Client Counseling team won the national finals and represented the School in international competition in London. The School's negotiation team has placed first in the Western Regional ABA Negotiations competition in three of the last five years, placing third in the nation in 1988. During the last twelve years, the Law School represented the Northwest eight times in the final rounds of the National Moot Court Competition in New York. In 1981 the Law School won the National Moot Court Competition. This record of accomplishment by UM teams certainly reflects favorably on the School's students, its faculty, and curriculum.

In addition to its work on curriculum, the law faculty continues to be active in research and writing and in public service activities. In the past 10 years, faculty have published approximately 10 books and 150 articles in prominent journals. Faculty are leaders in law reform within Montana and nationally. They have initiated law reform within the state, have served on the Uniform Law Commission and as consultants to the American Law Institute, have testified before major

Congressional Committees, have provided scholarly leadership nationally in the area of civil justice reform, have consulted with East-Central European nations in their transition to democracy and the rule of law, and have assisted tribal governments in developing tribal constitutions and codes, as well as having assisted in development of an inter-tribal court for the tribes of Montana and Wyoming.

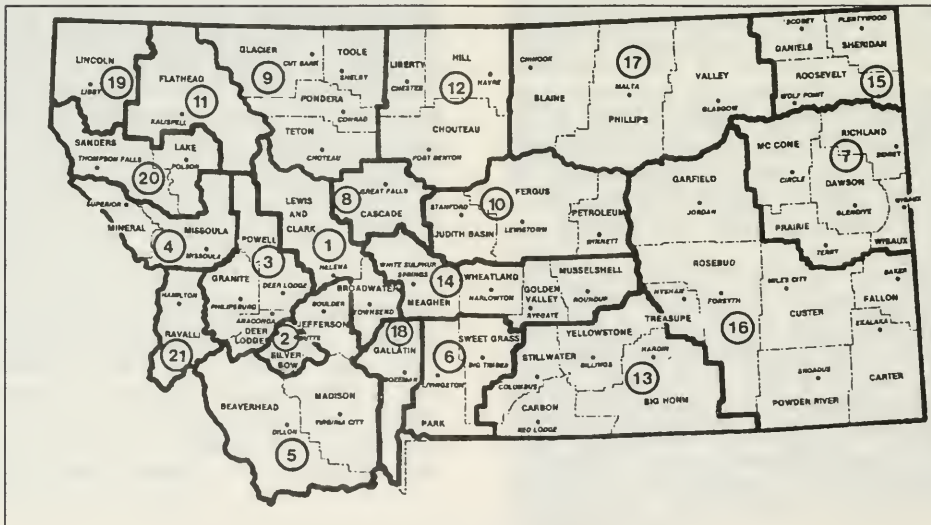
Public education regarding the law has also been a priority for the Law School. In recent years, the School has sponsored or co-sponsored public conferences on topics such as the 1972 Montana Constitution, the public's right to know versus the right of privacy, a patient's right to choose medical treatment, national health care policy and securities regulation. The Law School has participated with the Montana Supreme Court in programs designed to educate the public regarding the Montana judicial system. Each year, the Law School, in partnership with the Western Montana Bar Association and the Montana Trial Lawyers, conducts a seven week "Citizens Law School" program addressing a range of common legal problems. Hundreds of local citizens have taken advantage of this program.

The Law School has a long and proud tradition of education and public service. Together with the Judiciary and the Bar of this state the Law School is working to prepare students to be effective lawyers and leaders in their communities. As this brief overview indicates, Montanans have many reasons to be proud of the School of Law.

JUDICIAL DISTRICT BY COUNTY

Beaverhead	5	Granite	3	Powell	3
Big Horn	13	Hill	12	Prairie	7
Blaine	17	Jefferson	5	Ravalli	21
Broadwater	1	Judith Basin	10	Richland	7
Carbon	13	Lake	20	Roosevelt	15
Carter	16	Lewis and Clark	1	Rosebud	16
Cascade	8	Liberty	12	Sanders	20
Chouteau	12	Lincoln	19	Sheridan	15
Custer	16	McCone	7	Silver Bow	2
Daniels	15	Madison	5	Stillwater	13
Dawson	7	Meagher	14	Sweet Grass	6
Deer Lodge	3	Mineral	4	Teton	9
Fallon	16	Missoula	4	Toole	9
Fergus	10	Musselshell	14	Treasure	16
Flathead	11	Park	6	Valley	17
Gallatin	18	Petroleum	10	Wheatland	14
Garfield	16	Phillips	17	Wibaux	7
Glacier	9	Pondera	9	Yellowstone	13
Golden Valley	14	Powder River	16		

MONTANA JUDICIAL DISTRICTS



ADDENDUM

1993

SUPREME COURT CLERK'S OFFICE
ANNUAL STATISTICS

1. NEW CASES APPEALS: Civil 393 Criminal 128
ORIGINAL PROCEEDINGS: Civil 46 Criminal 92
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3. MOTIONS
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5. CLOSURES CIVIL: 441 CRIMINAL: 177
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6. APPEARANCES IN APPEAL: Pro Se 32 Forma Pauperis 14
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7. CLASSIFICATIONS: 5-Just. SOB 277 En Banc 95 Oral Arg. 37
8. REHEARING: Petitions 84 Obj. to Petitions 69
Denied 78 Granted 1

Students

- ◆ In 1993, we received a record number of applications (607 for 75 positions in the entering class).
- ◆ We have already received a record number of inquiries from potential applicants, over 2,700 for next year's entering class.
- ◆ The MONTANA LAW REVIEW and PUBLIC LAND LAW REVIEW are valuable resources for Montana practitioners and have gained an increasing national readership.
- ◆ Our Moot Court, Trial Advocacy, and Counseling and Negotiations teams continue to be very successful regionally and nationally.
- ◆ Bar passage rates exceed 90%.
- ◆ Placement figures exceed 90%, within 6 months of graduation.
- ◆ Students annually devote thousands of hours to public service.

Faculty

- ◆ Teaching is the priority of the faculty, with commitment to our nationally recognized competency-based curriculum, which integrates theory and practice. Faculty also spend many hours each day advising and serving our students outside the classroom.
- ◆ In the past 7 years, faculty have published approximately 10 books and 150 articles in prominent journals, thereby enhancing the scholarly reputation of the School of Law. Faculty have also obtained a record number of grants that now account for approximately 15% of our entire budget on an annual basis.
- ◆ Faculty are leaders in law reform within Montana and nationally. They have initiated law reform within the state, have served on the Uniform Law Commission and as consultants to the American Law Institute, have testified before major Congressional Committees, have provided scholarly leadership nationally in the area of civil justice reform, have consulted with East-Central European nations in their transition to democracy and the rule of law, and have assisted tribal governments in developing tribal constitutions and codes, as well as having assisted in development of an inter-tribal court for the tribes of Montana and Wyoming.

Alumni

- ◆ Alumni continue to serve the state and nation in many positions, serving as judges and as Justices on the Montana Supreme Court, as Governor, as Attorney General, as leaders in the state Senate and House, as U.S. Attorney, as President of the State Bar, as members of the Board of Regents, and in other positions of public trust.

Student Share of Educational Costs

- ◆ Total educational costs per law student currently are \$12,550, nearly \$5,000 below the cost of educating law students nationally.
- ◆ First-year resident law students pay tuition of \$4,600 (36.6% of the cost of their education), state general funds account for \$4,500 (36.2%), and grants and gifts account for \$3,450 (27.4%). Nonresidents pay tuition and fees of \$9,300 (74.1%).
- ◆ Law students pay higher tuition than any other students in the Montana University System and also pay a higher percentage of the cost of their education than their counterparts throughout the System.
- ◆ UM has the largest percentage of resident students of any law school in our region and yet receives the least amount of state support per resident student.

Faculty Salaries

- ◆ Based on 1992-93 figures, UM law faculty salaries rank 173d out of 173 ABA accredited law schools in the United States. Salaries at North Dakota, which ranks 172/173, are \$5,000 per faculty position higher than those at UM. Salaries at Idaho (171/173) are \$9,000 higher than UM. The national median for law faculty salaries is \$78,000, over \$26,000 higher than the U.M. median.
- ◆ Law faculty at UM received no salary increase for the 1993-94 academic year, despite increases in tuition and fees for entering students.
- ◆ The last increase in law faculty salaries was less than the percentage increase paid to other faculty at UM.

Library Support

- ◆ Based on 1992-93 figures, support for the law library at UM ranks 173/173, among all ABA accredited law schools in the United States. Annual library expenditures at UM are \$240,000/year below those of other law schools in the immediate region (North Dakota, South Dakota, Idaho, Wyoming and Gonzaga). Annual expenditures are nearly \$800,000 below those at Washington, Oregon, Utah, and Colorado. Law library expenditures in 1992-93 were \$429,000.
- ◆ Many treatises in the law library are not current and are unreliable research sources, for students and other patrons.
- ◆ The acquisitions budget is so limited that the library is rapidly becoming outdated.
- ◆ UM has the smallest and one of the lowest paid law library staffs among all law libraries at ABA accredited law schools in the U.S.

SMALL CLAIMS COURT

1. WHAT IS A SMALL CLAIMS COURT?

A small claims court is a court where disputes between persons over small amounts of money or personal property can be decided quickly, inexpensively, and informally. These courts are divisions of the Justice of Peace Court in each county and there are no involved and lengthy formalities. Although not present in every District Court, there may also be a small claims division in the District Court. Information and forms for proceeding before the District Court may be obtained from the District Court Clerk. Although the procedures are similar to those described here (except that a District Court small claims division is limited to handling small claims involving amounts up to \$2500), this court does not describe the provisions of the court rules that describe the provisions of the Justice of Peace Courts.

II. WHO CAN SUE OR BE SUED IN SMALL CLAIMS COURT?

In small claims court you can sue, or be sued by, an individual, a partnership, a corporation, a union, an association, or any other kind of organization or entity, except the state or a state agency.

If you are the person suing, you are the plaintiff. The plaintiff must be the person to whom the money or property claimed is actually owed, or the person trying to determine who is entitled to the funds in dispute. An assignee cannot be a plaintiff in small claims court. If you are the person being sued, you are the defendant.

If you are suing a corporation, use its correct legal name. This can be obtained by calling the Montana Secretary of State's office, State Capitol, Helena, Montana 59620 (444-2034). If you are suing a married individual, you may wish to sue both the husband and the wife in appropriate cases so that you can collect from jointly owned property.

III. WHAT KIND OF CASE CAN YOU TAKE TO SMALL CLAIMS COURT?

You may take three kinds of cases to small claims court. You may sue in small claims court if you claim that another person owes you a sum of money, which cannot be more than \$3000. You may sue in small claims court if you claim that another person has personal



A Citizen's Guide

prepared by

Office of the Attorney General
Department of Justice
State of Montana

May 1993

property belonging to you worth up to \$3000. Whether you sue to recover money or personal property, the limit is \$3000. The small claims court also is the proper place to bring an "interpleader" action involving \$3000 or less. Interpleader actions are brought by a disinterested party, such as an insurance company, to determine the rights of rival parties who all claim they are entitled to the funds held by the disinterested party.

You must file your complaint in a county where the defendant can be served with the complaint. Usually, this is where the defendant lives or has a place of business.

IV. COUNTERCLAIM.

If you are the defendant, in a small claims action, and you believe plaintiff owes you some money or personal property, you may file a counterclaim. A counterclaim must arise out of the same transaction as the plaintiff's complaint. For example, if the plaintiff's claim is that you owe him \$1,000 for a car repair, and the plaintiff has agreed price, but you believe the plaintiff did not perform the repairs properly, you must file a counterclaim for the cost of having the repairs performed by someone else. You must file a counterclaim with the small claims court at the same time you file your answer to the plaintiff's complaint. You must file your counterclaim before the scheduled date of the trial. The small claims court will provide a counterclaim form. When you file a counterclaim, you must pay the clerk a filing fee. You may file a counterclaim even if you admit that you owe the plaintiff some or all of the money claimed. Your counterclaim can't exceed the \$3,000 limit.

V. ATTORNEYS.

A party may not be represented by an attorney in small claims court unless all parties are represented by attorneys. However, you may wish to talk with an attorney before filing a complaint or appearing in court as a defendant to find out if there is a legal basis for your position.

If you are the defendant and wish to be represented by an attorney or to request a jury trial, the law allows you to remove the case from small claims court by filing a notice of removal.

When a defendant removes a case to justice court, the plaintiff can either represent himself or hire an attorney. If the plaintiff hires an attorney and the defendant loses the case in justice court, the court may make the defendant pay the plaintiff's attorney fees.

VI. HOW TO PROCEED.

A. Plaintiff.

Before filing a complaint, it is recommended that you send a letter by certified mail to the defendant in which you demand payment within 10 days of the date of the letter. If the person refuses to pay the letter or if he doesn't pay within the time specified in the letter, you should file your claim.

Bring your proof of mailing of the letter with you to court, both when you file your claim and if you go to trial. The letter is your proof that you have demanded payment from the defendant.

To file a complaint, you must appear before the justice of the peace or his clerk and execute a sworn small claims complaint. The judge or court clerk will provide a complaint form and help you fill it out, but they cannot give you legal advice. On the form, state why you are suing, the amount you are suing for, and the facts of your case. Give the correct and complete name and street address of the person you are suing. A post office box number is not sufficient.

When you file a complaint, you must pay the clerk a filing fee of \$10.00. The person who wins the case can recover filing and service costs from the other party. If the defendant removes the case to justice court, you will not have to fill out another complaint form or pay another filing fee. If you cannot afford to pay the filing fee, the court waive the fee by requesting that the court waive the fee.

After the complaint is filed, the judge will set a time and date for the trial and order the defendant to appear on that date. The sheriff, constable, or other process server will serve this order on the defendant. The hearing date will be from 10 to 40 days after the date of the order. The order must be served on the defendant at least 5 days before the hearing date. If the order is not served on time, you can request the judge to reset the hearing.

B. Defendant

When someone files a claim against you, you are served with a copy of the complaint and an order to appear in court on the date of the hearing. At this point, there are several things you can do:

1. You can try to settle your differences with the plaintiff out of court.



Dear Fellow Montanan:

You may someday be faced with the prospect of going to court to settle a dispute involving \$3,000 or less. Montana has a system of small claims courts to handle these disputes quickly and inexpensively. This pamphlet explains how to take a case to small claims court; in fact, one party to a case can have a lawyer only if both parties have one.

This pamphlet guides you through the small claims court system, from the time a claim is filed through its final resolution. The guide describes the steps you must follow, and you can use the court, outlines the types of cases the court handles, and details the proper procedures for taking a complaint through the system.

Of course, no one wants to go to court if it can be avoided. But if you ever need to take a dispute to court, this pamphlet will provide useful information about the process.

Sincerely,

Joseph P. Mazurek
JOSEPH P. MAZUREK
Attorney General

5,000 copies of this public document were published at an estimated cost of 14¢ per copy, for a total cost of \$700.00, which includes \$450.00 for printing and \$250.00 for distribution.

that the plaintiff is the person at fault and that he owes you a specific amount of money.

In an interpleader action the plaintiff deposits with the court the money in dispute, and the defendant must prove that they are owed the money.

Prove your facts with evidence. You can use your own testimony, the other party's testimony, and other witnesses' testimony as evidence. With the judges' permission, you may also use any documents, photographs, or other objects related to the case as evidence to prove your case.

X. JUDGMENT.

A judgment is the written decision of the court. Upon conclusion of the case tried to the court, the judge will make his findings and enter judgment. If you win the case, the judgment against the defendant will be for the amount of money plus costs. You must collect payment on your own. But if the losing party doesn't pay you, you can go back into court and request a writ of execution. This is a court order that forces the losing party to take money or specific personal property from the losing party to pay the judgment.

XI. APPEAL.

If you are not satisfied with the judgment of the small claims court you may appeal the case to the district court of the county where the decision was made. The appeal must be in writing, served upon the other party, and filed at the court within 30 days after the judgment is entered. Within 30 days after the appeal is filed the record of your trial, and the evidence, will be sent by the small claims court to the district court. You will be notified when this happens, and it is your duty to make sure the record is transmitted.

An appeal may be made only on questions of law. This means that you can appeal only if you believe the small claims court applied the law incorrectly in your case. The district court judges will accept the facts as presented by the small claims court and will review the record that was made at the trial, view the evidence, and enter the judgment accordingly.

If the parties are represented by attorneys and one side appeals, the party who wins the appeal must pay the costs of the appeal. Information on appeal procedures and fees is available through the small claims court.

request, ask the judge to subpoena that person. If the judge subpoenas a witness, you must pay witness and service fees, but if you subpoena the clerk of court, you don't pay these costs.

D. Right to Justice Court.

The defendant has the option to remove the case to justice court within 10 days after the complaint is served. That option is discussed above in Section VI B.4.

VIII. IF YOU DO NOT APPEAR AT TRIAL.

A. Plaintiff. If a trial date has been set and is not changed, you may lose your case if you do not come to the trial. The judge cannot enter a judgment for your case if you are present to give your testimony at trial.

B. Defendant. If a trial date has been set and is not changed, a default judgment may be entered against you if you do not come to the trial. This means that if you are not there to defend your position, the plaintiff can win the case in your absence.

IX. TRIAL.

A. Procedure.

Small claims courts operate informally. You may want to sit on another case in the court where you are going to be heard, just to see how the trial is conducted.

At the time of trial, the judge will place you under oath and ask you to tell the facts of your case. Facts should be presented in the order in which they happened.

First, the plaintiff tells his side of the case. Then the defendant tells his side of the case. It is then the defendant's turn to tell his side of the case, present evidence, and call witnesses. Each party may cross-examine the other party and his witnesses and ask questions about any evidence or testimony, each side may make evidence statements, and each side may make a closing statement.

B. Proving Your Case.

As the plaintiff, you must prove the defendant caused some damage and owes you a specific amount of money as a result.

As the defendant, you should be prepared to prove that you do not owe the plaintiff what he claims. You can do this by showing that you did not cause the damage, or that you have paid less than the plaintiff claims, or that you have paid all that you owe to the plaintiff. If you are the defendant, you may also have a counterclaim against the plaintiff. If so, you must prove

2. You may file a counterclaim against the plaintiff.

3. You may contact the judge in small claims court to find out if the case has been postponed to another date if you cannot be there or cannot be prepared on the scheduled date.

4. You can remove the case to justice court. To remove the case to justice court, you must file a notice of removal in the court where the case is being heard. If you have been served with the complaint, if you do this, you may have an attorney represent you at trial and you can request a jury trial. If you do not remove the case to justice court, you will have a jury trial if you lose the case in justice court.

5. If you do not do any of the above, you will have a jury trial. The scheduled date of the trial must be there, and you must be there on your side of the case if you do not wish a default to be taken against you.

You must pay the clerk of small claims court a fee of \$5.00 either when you come in to file a counterclaim or when you appear in court for the trial. If you do not pay the fee, your case will be dismissed.

6. If you cannot afford to pay the filing fee, you must complete an affidavit requesting that the court waive the fee.

VII. BEFORE TRIAL.

A. Settlement Out of Court.

If you reach an agreement out of court, get it in writing. Give a copy of your settlement agreement, signed by both parties, to the clerk of the small claims court, and ask that the complaint be dismissed.

B. Trial Preparation.

If you are not able to settle the case before trial, you should prepare to appear in court on the hearing date and present your case. Make sure you have all papers which relate to the case, such as receipts, bills, estimates, contracts, and other documents. You may also want to take photographs, articles of clothing or diagrams. Contact the people you need to be your witnesses, explain your case, and make sure they will be at the trial on time.

C. Subpoena.

A subpoena is an order from the court requiring a person to come to court. If you think a necessary witness will not come to the trial at your

300 copies of this public document were published at an estimated cost of \$3.30 per copy, for a total cost of \$990.00 which includes \$990.00 for printing and \$.00 for distribution.